the weekly Standard

JUNE 8, 2009

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MILLIONAIRES' BRAWL

America's real power struggle: super rich liberals vs. ordinary plutocrats

BY ANDREW STUTTAFORD

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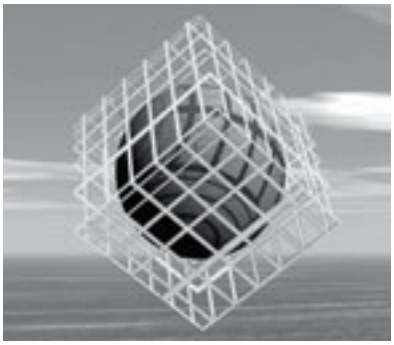

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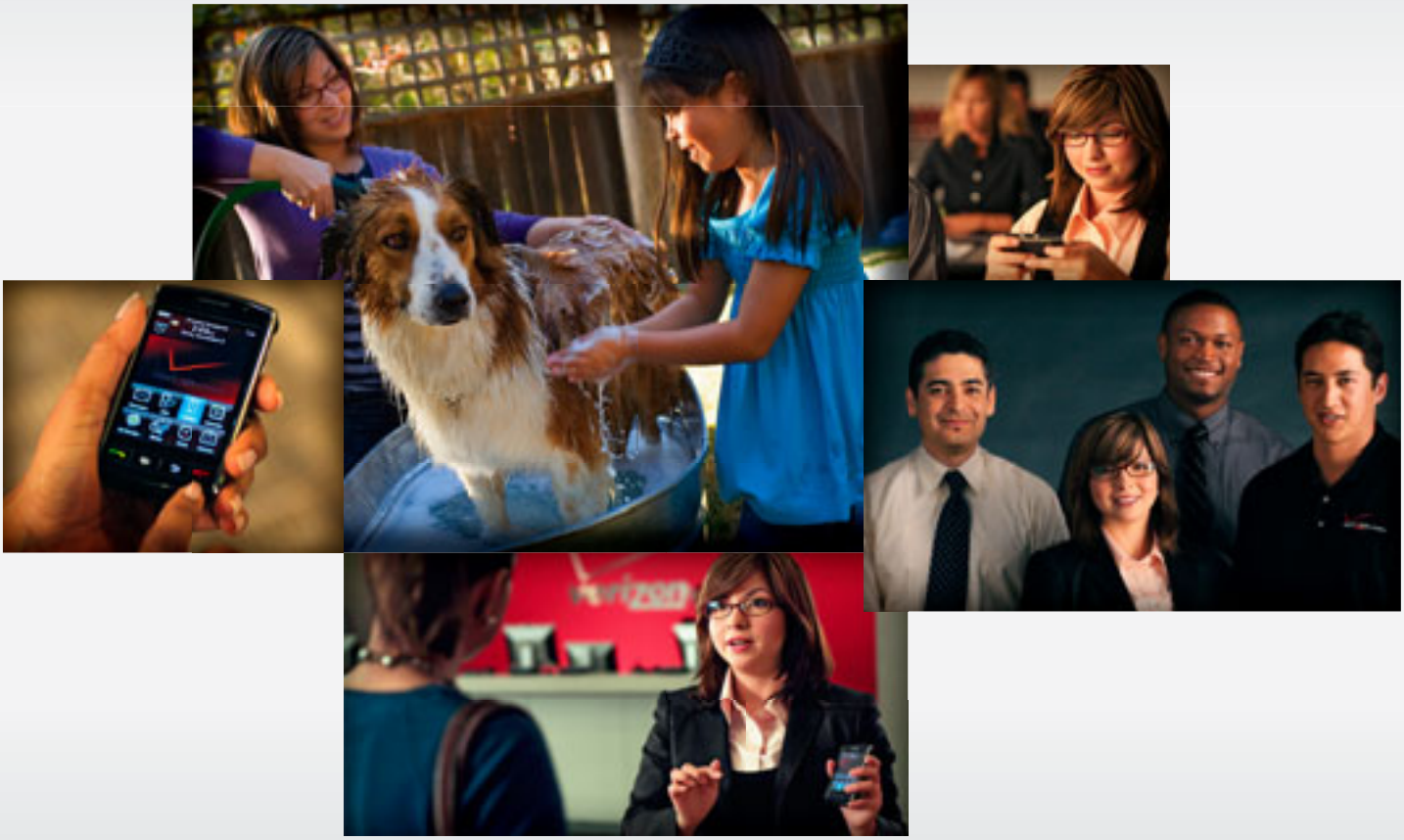

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The Weekly Standard (ISSN 1083-3013), a division of News America Incorporated, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7644 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2009, News America Incorporated. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of News America Incorporated.

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The U.N. Shakes Its Mighty Fist

After North Korea's nuclear test on May 25, the United Nations Security Council, as it always does, sprang into action. Well, maybe not quite sprang. And maybe not really "action" as most people understand the term. Rather, representatives of the 15 states on the Security Council talked a lot about what kind of really scary words they could put into public statements or condemnations or even resolutions to demonstrate that, this time, the North Koreans had finally gone and done it and that this time, unlike in its responses to all of North Korea's provocations since that three-year misunderstanding over the 38th Parallel in 1950-53, the Security Council meant business.

According to Reuters, a late draft of the proposed resolution, prepared by the Obama administration with an assist from Japan, thundered that the Security Council "condemns in the strongest terms the nuclear test conducted by (North Korea) on 25 May 2009 in flagrant violation and disregard of its relevant resolutions."

Sheesh. That's tough stuff. If The Scrapbook were Kim Jong Il it would certainly think twice about another nuclear test. (Actually, if The Scrapbook were really Kim Jong Il, first we'd do something about the hair.)

The Security Council "condemns in the strongest terms"? That's got to be causing Asia's most prominent Elvis impersonator to lose some sleep.

Think back to October 2006, when North Korea conducted its first nuclear test. The Security Council adopted Resolution 1718 expressing "the gravest concern" about North Korea's violation of international treaties and sharing its "firm conviction" that "the international regime on the non-proliferation of nuclear weapons should be maintained."

What, me worry?

That resolution included some "deploring" and some "deploring further" and even some "expressing profound concern." At one point the Security Council went so far as to proclaim that it "decides that [North Korea] shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner."

How could Kim Jong Il possibly have ignored that?

The difference, it seems, is in the force of condemnation. The 2006 resolution merely "condemns the nuclear test proclaimed by [North Korea] on 9 October 2006 in flagrant disregard of its relevant resolutions." This draft resolution, if it passes, will condemn this latest test "in the strongest terms."

The diplomats who authored that earlier resolution must be kicking themselves. If only they'd been more strongly condemnatory, we might all have been spared further nuclear provocation from North Korea.

But there is reason for optimism. Not only does this latest resolution upgrade the condemnation, the Security Council "calls upon all member states immediately to enforce the measures that were put in place by resolution 1718."

That is, the Security Council calls on its member states to do the things they didn't do after promising to do them in 2006 and hopes that the threat of actually doing these things will prevent North Korea from doing those things it did after ignoring the last resolution.

On second thought, this might not work. The Scrapbook expresses its profound concern. ♦

Real Diversity

If there's one term that sums up the source of Judge Sonia Sotomayor's appeal to her admirers, it's her status as a symbol of "diversity."

As just about every sensate human being must know by now, Judge Sotomayor is a Latina—a female of Hispanic ethnic origin—whose life history as a Latina in America, it is believed, will furnish the "empathy" that Barack Obama seeks in Supreme Court nominees.

And yet, The Scrapbook hastens to point out, there is diversity and there is diversity. Nowadays, of course, "diversity" is usually measured in terms of blood—race, ethnicity, even religion—and in ways that must surprise those dwindling numbers of Americans who fought to liberate Europe from Nazi ideology. As if to emphasize blood's paramount importance in these matters, there has been widespread praise for Judge Sotomayor—from sources as diverse as the *Nation* and the American Diabetes Association—because she suffers from diabetes. High blood sugar, apparently, influences the way jurists think and rule.

Perhaps it does. But many factors influence the way people think and act, and "diversity" need not always be measured in eugenic terms. There is,

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MICHAEL RAMIREZ

for instance, the interesting (and seldom mentioned) fact that the pool of Supreme Court justices is now almost exclusively drawn from the ranks of federal appellate judges—an estimable group of men and women, highly intelligent, ambitious, and successful, but not exactly drawn from all walks of American life.

This practice began, more or less, under Richard Nixon, who preferred federal judges because they had a "track record" that might indicate future performance on the court. It is now a prerequisite for presidents of both parties. But this has not only proved to be an imperfect predictor—as retiring Justice David Souter has demonstrated time and again since his appointment by George H.W. Bush in 1990—it has also excluded many different types of people whose experience, wisdom, perspective, and talent are surely as significant as Judge Sotomayor's diabetes. When was the last time a state governor was appointed to the Supreme Court? Or a United States senator? Or a cabinet or sub-cabinet officer, a state attorney general, a solicitor general, a lawyer in private practice, or a professor of constitutional law?

It's been awhile—and yet, up until comparatively recently in our history, these were all sources of High Court justices.

The Scrapbook would not pretend to know whether it is a good or bad thing for the Supreme Court to be composed entirely of ex-federal judges, or if it is critical for the Court's distinction to contain somebody who once ran for public office, or defended a corporation or labor union in court. But it is worth mentioning that the all-white-male Supreme Court that unanimously decided *Brown* v. *Board of Education* in 1954 contained only one former federal appellate judge (Sherman Minton) and was headed by a chief who had once been a governor and run for vice president (Earl Warren). Not to mention a onetime member of the Alabama Ku Klux Klan (Hugo Black). ♦

Sentences We Didn't Finish

"These questions I put to Daniel Bell (who has now turned ninety, as if his venerability were in need of chronological confirmation) one afternoon many years ago, as we sat with wines and theories on his back porch in Cambridge. It was from him that I learned the multiplicity of the realms, and so it was to him that I expressed my heresy about the . . . " (Leon Wieseltier, *New Republic*, June 3). ♦

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Casual

We Shall Overshare

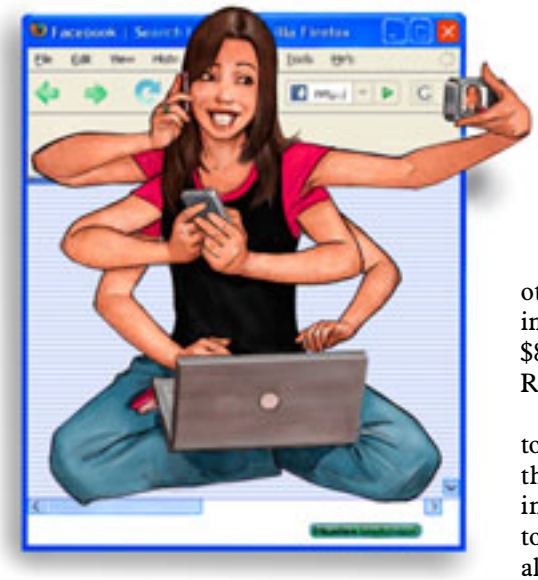
Allison is "furious. They think they'll break me, but they will only make me fight harder in the end."

Either I've got a friend in a gulag somewhere or I've got one who's tripped over one of the potholes of modern life—the overshare. Given that her message didn't arrive via waterborne bottle or scribbled in the margins of a dusty Russian novel, but via her Facebook update, I think it's safe to say that her little tiff at work hasn't placed her in physical danger.

It has, however, caused her to illustrate the dangers of living a life online. As millions of us have taken to MySpace, Facebook, and Twitter to connect with friends, share stories, and post pictures at a speed and volume heretofore unknown, we've also exponentially multiplied ways to humiliate ourselves. It's perhaps understandable then that the online life has its detractors. Facebook has been dubbed "mind-numbingly dull" and Twitter a service for "people who need to expose as much of their lives to public scrutiny as possible." As an enthusiastic user of both, I concede that these statements are true. Yet I cannot spurn the new social media. As a result, my online life is a balancing act.

Sure, I could settle for a routine in which only traditional social skills are required, but where's the fun in that? I long ago mastered not talking with my mouth full and placing a napkin in my lap, and still felt the world needed people like me—pioneers of electronic propriety—to make tough choices. Is my personal hygiene regimen or lack thereof fit for public consumption? Probably not. What about a pictorial on the proper position for a keg stand? Not a good idea, regardless of my prowess. Does my social circle need to know that the sour cream at Chipotle tastes "a little off"? Tough call. Could be a public health issue.

It's a daily game of public Frogger, hopping frantically to avoid being crushed under the weight of your own narcissism, banality, and plain old stupidity. Just as it took Alexander Graham Bell a couple of tries on the telephone to realize that "Hoy! Hoy!" simply wasn't going to work as the standard greeting, so it took a brave South African man to discover that calling your boss a "serial masturbator" on Facebook will get you fired. There are thousands oversharing online as I write, paying the price with a gradual erosion of their dignity, so you don't have to.



MATT COLLINS

Ironically, the antidote I've found for my own tendency to overshare online is more sharing online. Everything on my Facebook and Twitter pages is openly available. It's amazing how reasonably you act when everyone you know (and many you don't) is watching you.

I make a conscious decision to broadcast my life every day, and I accept the consequences. In a way it's a quintessentially conservative formula: The extent to which you take personal responsibility for your actions dictates the risks and benefits of your online existence.

For me, the weird ("Will you send me a picture of your feet?") and embarrassing (thank you to whoever uploaded the middle-school band photos) is outweighed by the rewarding (getting to see my cousins more than once a year). Facebook is such a natural extension of my daily life that it became a fitting public place to memorialize my grandmother with a simple picture when she passed away. What others would do at a gravesite, I did on Facebook.

There's another attitude I've resolved to cultivate. Even though the new social technologies are built to feel like they're *all about you*, it helps to remember they're not. When pondering another photo shoot for my profile picture the other day, I couldn't help recalling the Facebook users who raised $800,000 for St. Jude Children's Research Hospital only last week.

Similarly, when I'm tempted to post self-pitying status updates that sound like I'm in prison instead of my condo, it occurs to me that Twitter and Facebook also host actual dissidents. Their status updates were a frightening enough breath of freedom that Iran blocked Facebook last week, only to lift the ban days later as Ahmadinejad distanced himself from the unpopular crackdown. Every new technology needs its pioneers. Many are banal, but some are truly brave.

They make me think of other pioneers. The historian Donald Jackson recounts that Lewis and Clark "wrote constantly and abundantly, . . . legibly and illegibly, and always with an urgent sense of purpose." So do I, and almost always in 140 characters or less.

Mary Katharine Ham

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Veni, Vidi . . . Ricci!

"First Latina Picked for Supreme Court; GOP Faces Delicate Task in Opposition," blared the four-column headline on the front page of the May 27 *Washington Post*. Leave aside the *Post*'s odd failure to put in the headline the name of the person nominated—itself a nice example of the de-individualizing effect of identity politics. Consider instead the even odder decision to highlight neither the nominee's potential influence on the Court, nor the president who picked her, but the "delicate task" faced by an opposition party powerless to block her.

It was a theme the White House and much of the media (but I repeat myself!) would seek to develop over the next few days: The nomination of Sonia Sotomayor has created a very tricky situation for conservatives, who had best tread softly as they mobilize (if they even dare mobilize), and for Republicans, who had best whisper gently when they raise questions (if they even dare raise questions).

So Obama spokesman Robert Gibbs declared, "I think it is probably important for anybody involved in this debate to be exceedingly careful with the way in which they've decided to describe different aspects of this impending confirmation." Not just careful, but "exceedingly careful"! Senator Chuck Schumer warned that Republicans "oppose her at their peril." These are pretty heavy-handed attempts at intimidation. One wonders whether a wise Latina woman, with the richness of her experience, might have found a better way to make that point than a hapless white male like Gibbs or Schumer.

However that may be, the White House/media bluster won't work. Most conservatives and Republicans aren't going to be intimidated from raising legitimate questions about Sotomayor's jurisprudence. Especially when such questions have already been raised by nonconservatives as well as conservatives, and about her conduct in an ongoing, important legal case. That case is *Ricci* v. *DeStefano*, where Judge Sotomayor sought—by hook and by crook—to uphold a hiring decision that the respected nonideological legal commentator, Stuart Taylor, writing last December, called a "simple injustice," one that many Americans "would see as a raw racial quota."

Here is Taylor's summary of the case:

> Frank Ricci, a firefighter in New Haven, Conn., worked hard, played by the rules, and earned a promotion to fire lieutenant. But the city denied him the promotion because he is not black. Ricci sued, along with 16 other whites and one Hispanic firefighter. . . . Ricci studied for eight to 13 hours a day to prepare for the combined written and oral exam in 2003 that he hoped would win him a promotion. . . . And he got one of the highest scores. But Ricci and other would-be lieutenants and captains with high scores did not get the promotions they expected. The reason was that—because not enough black firefighters had done well enough to be eligible—New Haven decided to discard the test results and make no promotions at all. . . . Racial politics clearly did figure in the city's denial of promotions to the white and Hispanic firefighters. . . . [T]he Rev. Boise Kimber . . . disrupted meetings of the city's civil service board and warned its members of a "political ramification" if they certified the exam results.

Ricci and other test-takers sued. A district judge dismissed the case. A three-judge panel of the U.S. Court of Appeals for the Second Circuit affirmed the dismissal, in a process Taylor calls "so peculiar as to fan suspicions that some or all of the judges were embarrassed by the ugliness of the actions that they were blessing and were trying to sweep the case quietly under the rug." One of those three judges was Sonia Sotomayor. The Supreme Court took the appeal, heard oral arguments in April, and should hand down its judgment before its term ends at the beginning of July.

So we will have an unusual moment in the Sotomayor confirmation process—one that will stand out from the customary small-bore senatorial back-and-forth during judicial confirmations. We'll have a high-profile Supreme Court ruling highlighting a very questionable judicial decision by the president's nominee. Most Court observers expect the judgment in which Sotomayor joined to be reversed. But even if it isn't, there will be a closely observed decision by a probably closely divided Supreme Court that will bring home the importance of the Sotomayor nomination for jurisprudence in this area. The public will have occasion to see how a nominee, herself picked for identity-politics reasons, was unempathetic, one might say, and unjust to the victims of identity politics, the firefighters of New Haven who were denied promotions.

Sotomayor will probably be confirmed. But nothing is certain. And a Ricci-focused debate over her confirmation will serve to remind Americans of the unseemliness and injustice of the Constitution-corrupting, identity-politics-driven agenda so dear to the hearts of the modern Democratic party, the Obama administration, and Sonia Sotomayor.

—*William Kristol*

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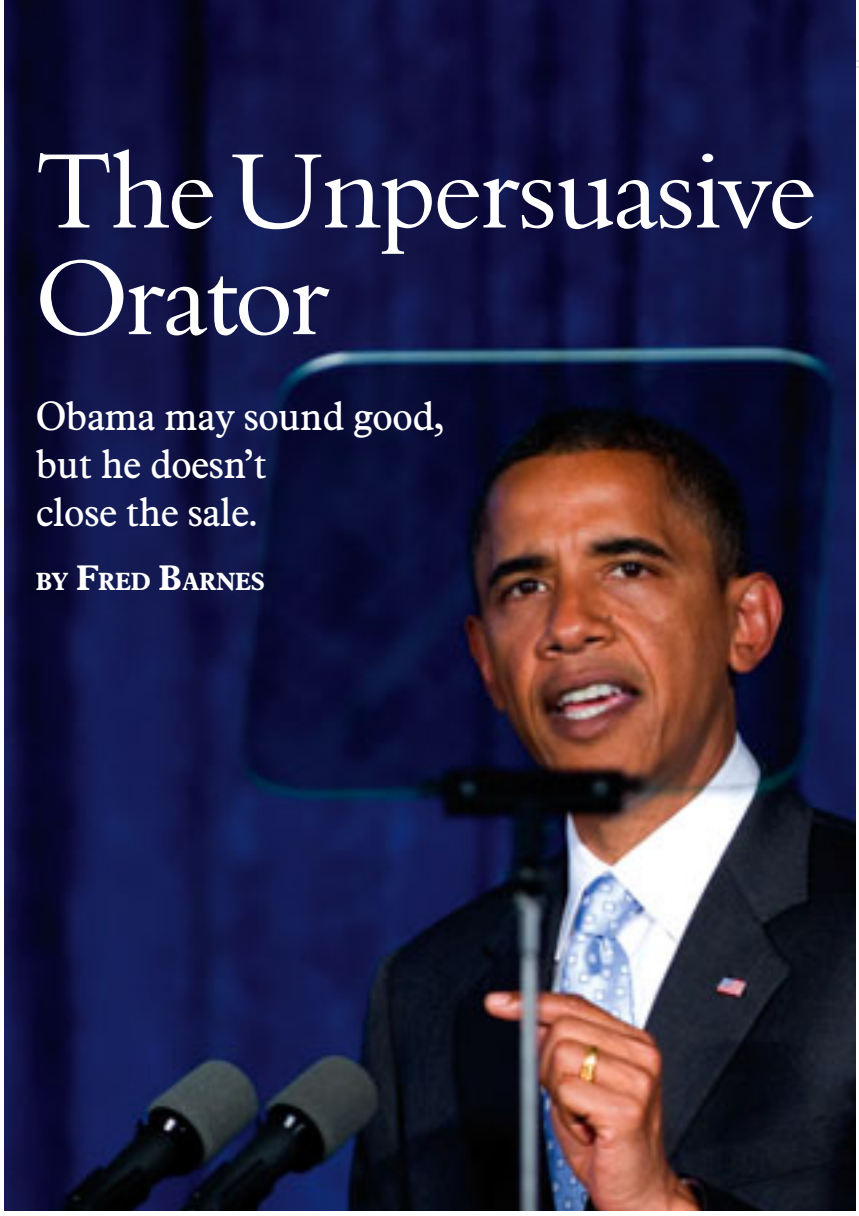
The Unpersuasive Orator

Obama may sound good, but he doesn't close the sale.

BY FRED BARNES



Let's stipulate that President Obama is a wonderful speaker, vigorous in promoting his policies and even eloquent at times. But there's a problem: He's not persuasive. Obama is effective at marketing himself. His 64 percent job approval (Gallup poll) is a reflection of this. But in building public support for his policies, Obama has been largely unsuccessful.

You'd never guess this from the laudatory press coverage of Obama. With every major speech or press conference, the media and a sizable chunk of the political community—including many Republicans—assume Obama has carried the day. Actually, he rarely has.

The most striking example is Obama's strenuous defense of his decision to close Guantánamo prison by next January 22 and to bar "enhanced interrogation techniques" such as waterboarding in questioning captured terrorists. He gave a highly publicized address on this policy last month. After the speech, support for closing Guantánamo fell.

And this occurred despite Obama's supposedly powerful argument that Guantánamo has "set back the moral authority that is America's strongest currency in the world," become "a symbol that helped al Qaeda recruit terrorists," and "weakened American national security." As usual, the media praised the speech.

The president's remarks were followed (same day, different location) by a speech by former Vice President Dick Cheney in which he criticized the president on Guantánamo and interrogation tactics. "Clearly the president is a more popular figure," says pollster Scott Rasmussen. "The numbers still shifted a little away from Obama."

Obama first announced his intention to *close* Guantánamo as a candidate last year. Public support for keeping the prison *open* dropped, in Rasmussen's polling, from 59 percent last summer to 42 percent in January. Two days after taking office, Obama announced his decision to shut the facility. Since then, the public balked. Support for leaving it open has increased to 49 percent.

Nor has the president been able to increase support for other terrorist-related policies. Public approval for Obama's policy of *not* using "torture" to interrogate terrorists dipped from 58 percent in January to 49 percent in April in ABC News/*Washington Post* polling. Rasmussen found overwhelming opposition, 57-to-28 percent, to Obama's plan to bring Guantánamo prisoners to the United States.

The negative drift in public opinion isn't entirely due to Obama. "It's not so much the rhetoric," Rasmussen says. Rather, "it's the reality" of dealing with the problem of what to do with the terrorists jailed at Guantánamo. "The more people hear about it," the less they support Obama's policy.

There may be an institutional reason as well for Obama's inability to stir approval of his policies, including a surge in domestic spending. George C. Edwards III, a presidential scholar at Texas A&M University, argued in his book *On Deaf Ears: The Limits of the Bully Pulpit* that presidential speechmaking almost never alters public opinion.

Both scholars and journalists, Edwards wrote, "refer to the White House as a 'bully pulpit' and assume that a skilled president can employ it to move the public and create political capital for himself. The fact that such efforts almost always fail seems to have no effect on the belief in the power of public leadership."

Edwards cited the example of President George W. Bush in 2001. He traveled to 29 states in "a massive

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public relations campaign" to generate approval for his tax cuts and education reform. But the poll numbers didn't move. "It is one thing to go public," Edwards wrote. "It is something quite different to succeed in moving public opinion."

That Bush didn't succeed is less surprising than Obama's failure. Bush is a prosaic speaker. Obama is a skilled orator. While Bush didn't gain ground when he promoted his tax and education policy, at least public support didn't decrease.

Obama's most heralded initiative, one he's promoted repeatedly in speeches and town hall meetings, is the $787 billion economic stimulus. He touted it in his opening statement at a prime time press conference on his 100th day in office, insisting it has "saved or created 150,000 jobs." (He offered no verification.)

At a town meeting in Rio Rancho, New Mexico, in May, he called it "the most ambitious economic recovery plan in our nation's history." He said it is "rebuilding our infrastructure all across the country" and "will save or create 22,000 jobs just in New Mexico."

The stimulus lost 10 points in public approval after it was enacted last winter. Only 34 percent of Americans in a Rasmussen survey last March felt it would help the economy. That sentiment is roughly unchanged today.

And there's a stimulus-related problem: fear of excessive government spending. Obama says he's pursuing "fiscal responsibility." But in a Gallup poll, 55 percent said his proposals call for "too much spending." And 53 percent now believe spending hikes are hurting the economy, up from 48 percent in February, according to a Rasmussen poll last week.

Two other findings by Rasmussen underscore the concern over Obama's spending plans. Seventy-four percent now prefer fewer government services and lower taxes. And 77 percent believe the unwillingness of politicians to control spending is a bigger problem than the public's unwillingness to pay higher taxes.

Obama shouldn't be blamed for the unpopularity of policies he inherited on bank bailouts and financial aid to General Motors and Chrysler. But it's noteworthy that while continuing the bailouts, he's been singularly unsuccessful in softening public opposition. In a Rasmussen survey, 60 percent disapproved of aid to auto companies and 59 percent to bailing out banks.

There's an inescapable conclusion in all this: Obama's reputation as a convincing speaker is overrated. He may sound like an effective salesman, but the only product Americans are buying is Obama himself. And that sale isn't yet final. ♦

The Problem with Judicial Empathy

What will constrain judges once they turn to their hearts for guidance? BY TERRY EASTLAND

In announcing her nomination to the Supreme Court last week, President Obama said Sonia Sotomayor has the "first and foremost quality" needed in a justice: "a rigorous intellect, a mastery of the law, an ability to home in on the key issues and provide clear answers to complex legal questions." He said she also has another quality that a justice needs: the "recognition of the limits of the judicial role."

Obama then cautioned that by themselves these qualities aren't enough. "We need something more," namely the "experience . . . of being tested by obstacles and barriers" and "ultimately overcoming those barriers." Such experience enables a judge to have a "common touch and a sense of compassion, an understanding of how the world works and how ordinary people live." All this he sees in Sotomayor.

Formal presidential introductions of Supreme Court nominees are usually tossed aside, as the "real" story is assumed to be elsewhere. But Obama's introduction of Sotomayor deserves to be kept in mind as the Senate begins its review of the nomination. (Hearings are expected in July.) The odds are very good that Sotomayor will be confirmed, not least because she is the first Supreme Court nominee of a popular president whose party has an almost filibuster-proof majority in the Senate. But there will be, or at least there should be, issues raised with this nomination, and they stem from the very qualities that the president identified in Sotomayor.

As Sotomayor's opinions are examined in the Senate and the media, that "first and foremost quality"—"an ability to home in on the key issues and provide clear answers to complex legal questions"—will be of prime importance as there is a case in which her legal performance left much to be desired, and it happens to be a case, not of minor importance or interest, but one being decided presently by our highest court.

Ricci v. *DeStefano* was argued before the Supreme Court in April, and a decision is expected by the end of this month. The case concerns the promotion of firefighters in New Haven, Conn. Because of a union agreement requiring promotions to be based on examinations, the city contracted with a company that devises exams. White applicants did well on the test; black applicants less well. The exam review board heard testimony from a

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city official who said that if the results were certified, and the highest-scoring candidates thus were promoted, the city might be subjected to a "disparate impact" lawsuit from black firefighters, since none scored high enough to win a promotion. The board chose not to certify the results, and no promotions were made. A group of 16 white firefighters joined by one Hispanic sued the city, charging racial discrimination in violation of Title VII of the Civil Rights Act of 1964 and the equal protection clause of the Fourteenth Amendment. The district court dismissed their complaint and then a three-judge panel of the Second Circuit upheld the dismissal. Sotomayor was one of the judges on that panel.

It's easy to see why this case is a big one. Race discrimination cases usually are. And the Supreme Court, to judge by the oral argument, is likely to overturn the ruling.

But *Ricci* is newly important with respect to Sotomayor's judicial abilities. The panel's decision, for which Sotomayor is responsible equally with the other two judges she sat with, conspicuously failed to probe the key issues in *Ricci*.

Struck by this failure, some of Sotomayor's colleagues sought to have the entire court consider the case. With the circuit voting 7-to-6 to deny a rehearing, Clinton appointee Jose Cabranes wrote an opinion joined by the five other dissenters that, without expressing a view on the merits, took sharp issue with the panel's opinion, and effectively invited the Supreme Court to take the case. Cabranes said that Ricci

> raises important questions of first impression in [the] Circuit—and indeed, in the nation—regarding the application of the Fourteenth Amendment's Equal Protection Clause and Title VII's [of the Civil Rights Act of 1964] prohibition on discriminatory employment practices.

Cabranes described the questions on appeal as "indisputably complex and far from well-settled," observing that the

> core issue presented by this case—the scope of a municipal employer's authority to disregard examination results based solely on the race of the successful applicants—is not addressed by any precedent of the Supreme Court or our Circuit.

Obama's own Justice Department also found shortcomings in the panel's opinion. In a friend-of-the-court brief, the solicitor general said the opinion did not "adequately consider whether, viewing the evidence in the light most favorable to [the plaintiff firefighters], a genuine issue of fact remained" as to whether New Haven's "claimed purpose to comply with Title VII was a pretext for intentional racial discrimination in violation of Title VII or the Equal Protection Clause." The brief concluded that the Supreme Court should vacate the judgment and remand the case for "further consideration": in other words, for the kind of honing-in that should have been demanded by Sotomayor's panel.

As for the second quality Obama sees in his nominee, "recognition of the limits of the judicial role," he defined it as "an understanding that a judge's job is to interpret, not make law, to approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice, a respect for precedent and a determination to faithfully apply the law to the facts at hand."

Obama seemed to be channeling Republican presidents from Richard Nixon to George W. Bush who have insisted on a limited role for the courts. But Obama's insistence on judicial modesty doesn't apply in every case. Obama said that there are times when "we need something more." And, when it is invoked, that "something more"—which Obama explained in terms of the third quality, "experience"—will swallow up judicial restraint, with judges no longer interpreting the law but making it.

So Obama is for a limited role for the courts but also for the courts to abandon that role. But when, for Obama, may a court decide to do that?

Obama has said that legal process will dispose of 95 percent of cases but that it is unable to "lead you to a rule of decision" in the remaining 5 percent. He gives examples of these "truly difficult" cases:

> whether affirmative action is an appropriate response to the history of discrimination in this country or whether a general right of privacy encompasses a more specific right of women to control their reproductive decisions or whether the commerce clause empowers Congress to speak on those issues of broad national concern that may be only tangentially related to what is easily defined as interstate commerce, whether a person who is disabled has the right to be accommodated so they can work alongside those who are nondisabled.

Decisions in such cases, he says, "can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy."

Obama has spoken often about empathy. His campaign, in a sense, was premised on getting the country to overcome what he called its "empathy deficit," meaning a country with a politics that has been insufficiently egalitarian and socially liberal. He promised to change that and would have the courts pursue the same mission through a jurisprudence of empathy. This is a blatantly political understanding of the role of the courts, at odds with the concept of a government of separated powers provided for in the Constitution. The grounds for decision under a jurisprudence of empathy come not from legal materials but the kind of considerations only a legislature may properly take into account.

It is hard to overstate how important "empathy" is to how Obama thinks about the task of judging. He explained in 2007 that he voted against John Roberts after having found him deficient on his empathy index. He picked Sotomayor having found her sufficient.

Oddly, in introducing her, Obama never once mentioned "empathy." It was as though the word had been struck from his dictionary. Nor did Sotomayor use it. Instead, Obama heralded "experience" as "a neces-

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sary ingredient in the kind of justice we need on the Supreme Court." And Sotomayor worked that talking point, relating "the wealth of experiences, personal and professional" that have shaped her career as a lawyer and her approach to judging.

It's unclear why empathy disappeared at the very moment you'd expect Obama to emphasize it. Perhaps he and his advisers decided that "empathy" and "what is in the judge's heart" suggests a degree of subjectivity in judging that Americans aren't yet ready to accept. "Experience" is a less loaded term. But for Obama it gets to the same thing. As he said standing by Sotomayor, the right kind of experiences will create "a sense of compassion" (read empathy) in a judge. Compassion, as Obama sees it, that will lead the judge to reach the right (which is to say the left) result.

Obama says he's prepared to fight for his nominee. And debate over Sotomayor could be illuminating. For starters, what about the shoddy work of her panel in *Ricci* and of Jose Cabranes's criticism of its opinion? And, more broadly, which issues in the courts today are so legally indeterminate that judges need to move outside the law and into their hearts to figure out how to decide them? What is to constrain them once they repair to their hearts for guidance? And how can a judge who agrees with Obama that a heartfelt jurisprudence could help "tilt the balance" in favor of "people who are struggling in this society" in good conscience take the judicial oath of office? That oath obligates them to do equal right unto the poor and the rich. And, finally, a constitutional question: Are the legislative and judicial powers different kinds of powers? Or are they essentially the same?

These questions are quite different from the ones usually raised in connection with the Supreme Court nominees of Republican presidents. And so is this one: How will the Republican Senate minority discharge its duty to advise and consent on the Supreme Court nominee of this Democratic president? ♦

The Shot Heard Round the World

West German 'fascism' was made in East Germany. BY MICHAEL C. MOYNIHAN

STAR PRESS / SIPA / NEWSCOM

Prost! Karl-Heinz Kurras, the man who triggered modern German terrorism.

On June 2, 1967, the shah of Iran, Mohammed Reza Pahlavi, exited a performance of *The Magic Flute* at the Berlin Opera House to a throng of rock-throwing protesters, already into their second hour of battle with police. As the situation escalated, Karl-Heinz Kurras, a detective sergeant in the West Berlin police force, approached an unarmed student he misidentified as a "ringleader" of the protest. After tussling with the suspect, Kurras unholstered his Walther PPK service pistol and squeezed the trigger. A single bullet smashed into the temple of 26-year-old student Benno Ohnesorg. He died 20 minutes later.

Stefan Aust, former editor of the newsweekly *Der Spiegel* and author of a popular history of Germany's Baader-Meinhof (RAF) terror group, cites the Ohnesorg killing as "a turning point in the thinking and feeling of many" in Germany; a martyrdom that would function as a foundation myth for the country's radical left

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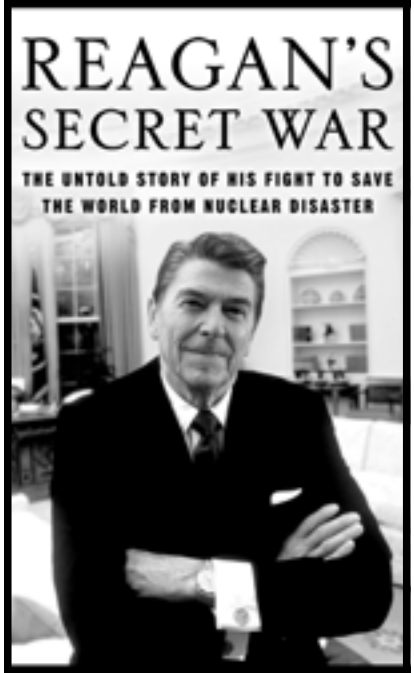
Reagan's greatest legacy—now revealed.



by **MARTIN ANDERSON AND ANNELISE ANDERSON**
New York Times **bestselling authors of** ***Reagan, In His Own Hand***

"Ronald Reagan's steadfast commitment to abolish all nuclear weapons is brought to life in Martin and Annelise Anderson's captivating narrative."
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movement, many of whom would later transform themselves into university-educated "urban guerrillas." A simple narrative soon emerged on campuses across Germany: Ohnesorg, a pacifist active in Protestant student groups, had been brutally murdered by the "fascist pig" Kurras. When Kurras was twice acquitted in the killing—he claimed the shooting was accidental—it further "proved" that West Germany was merely a rump state of the Third Reich.

Following the Ohnesorg shooting, the philosopher Theodor Adorno momentarily abandoned abstruse Marxist theory for unambiguous hysteria, declaring that "the students have taken on a bit of the role of the Jews." To future Baader-Meinhof leader Gudrun Ensslin, the shooting demonstrated that West Germany was a "fascist state [that] means to kill us all." Ensslin, a 27-year-old pastor's daughter, provided a tidy apothegm for those who would join terror organizations like the 2nd of June Movement (a tribute to Ohnesorg) and the Red Army Faction: "Violence is the only way to answer violence."

And it is this narrative that has persisted—until last week. According to new documents uncovered by two German researchers, Karl-Heinz Kurras was not the "fascist" cop of popular indignation, but a longtime agent of the East German Ministry for State Security (Stasi) and a member of the East German Communist party. In a rare moment of justified breathlessness, the ever-excitable German tabloid *Bild* called the discovery the "revelation of the year."

While there is no evidence that Kurras acted as an *agent provocateur* in shooting Ohnesorg, it is doubtless true that had his political sympathies—and his covert work for the Stasi—been known in 1967, the burgeoning radical student movement would have been deprived of its most effective recruiting tool. As Bettina Roehl, the journalist daughter of terrorist Ulrike Meinhof, argued in *Die Welt*, the glut of post-Ohnesorg propaganda helped establish "the legend of an evil and brutal West Germany," while simultaneously minimizing the very real brutality of Communist East Germany.

For those who sympathized with the '68 student left, the Kurras revelation struck like a thunderbolt. In an interview with the *New York Times*, Stefan Aust argued that "the pure fact that [Kurras] was an agent from the East changes a lot, whether he acted on orders or not." Otto Schily, who provided legal counsel for many Baader-Meinhof terrorists and would later serve as Chancellor Gerhard Schröder's interior minister, admitted that the Ohnesorg case must be "politically and legally reevaluated."

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But when it comes to the wickedness and depravity of the (fantastically misnamed) German Democratic Republic (GDR), reevaluation is not something most Germans have been keen to engage in. After the collapse of the Soviet Union, there was only a superficial reckoning with the crimes perpetrated by the East German state—one or two high profile trials against the likes of Stasi chief Markus Wolf and a handful of unenthusiastic prosecutions of border policemen and party functionaries were soon followed by a spasm of *Ostalgie*—nostalgia for the former dictatorship—famously represented by the kitschy television series *The GDR Show*, hosted by former Olympic figure skater and Stasi collaborator Katarina Witt. (The *New York Times* picked up the trend last year, headlining a book review "East Germany Had Its Charms, Crushed by Capitalism.")

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That the country's Communist past has been treated with a mixture of airiness and apathy was tacitly acknowledged in a recent *Der Spiegel* cover story on the Red Army Faction terrorists. With the release of Uli Edel's Oscar-nominated film *Der Baader-Meinhof Komplex*, a dramatic retelling of Bonn's battle with left-wing terrorism that eschewed the romanticism of previous cinematic treatments, the magazine declared that Edel effectively "destroyed the myth of the RAF," a group that was occasionally trained, funded, and sheltered by the Stasi.

Indeed, that his service to the Stasi might provoke outrage seemed to mystify Ohnesorg's killer. Interviewed by *Bild*, Kurras, now 81 years old and living in the Berlin suburb of Spandau, acknowledged having been a member of the East German Communist party: "Should I be ashamed of that or something?" He denied having worked for the Stasi, though suggested that if he had, that too was of minimal importance. "And what if I did work for them? What does it matter?"

In the context of recent German history, this is almost a fair question. Surely Kurras noticed that many of Germany's 1968 radicals have triumphed in their long march through the bourgeois institutions; from Schily to former German foreign minister Joschka Fischer, who was an active —and deeply radical—member of the hard-left Frankfurt collective "Spontis," and the French-German student leader Daniel Cohn-Bendit, now a member of the European Parliament for the Green party. And why would one consider it inappropriate to have joined the East German Communist party when, after the fall of the Berlin Wall, the very same party simply reconstituted itself under a different acronym and entered the Bundestag?

Authorities in Berlin have opened an investigation into Kurras's covert relationship with East Germany, and have threatened to revoke his state pension. It would be a small penalty for someone who offered his services to totalitarianism, but in a country tired of historical introspection it should be considered a victory. ♦

Welcome to Cairo, Mr. President

Rumor and turmoil in the Egyptian capital.

BY JAMES F.X. O'GARA

JAMES F.X. O'GARA

Coptic garbage collectors in Cairo's Manshiet Nasr neighborhood

Cairo

Closing in on three decades in power, the regime of Hosni Mubarak is totally out of gas (Fouad Ajami quotes a retired general who calls Mubarak a "civil servant with the rank of president"). But Egypt, whose most populated area is a slender, dense ribbon tracing the Nile, is nothing if not governable from the center. The Egyptian's lot is a hard one: meat prices are sky-high, unemployment and underemployment are probably close to 40 percent, the country is rudderless, and the population has doubled in the past 30 years. But the government is upbeat: Mubarak is now convinced, in the words of the semi-official media, that Cairo is much closer to Washington than is Tel Aviv, and that "Obama's forthcoming visit may signal Washington's first major rupture with Israel since president Eisenhower condemned the Tripartite Aggression in 1956."

The average Egyptian hears such talk and shrugs. President Bush was universally scorned, but in this country where skin lightening creams still fly off the shelves, Egyptians' overwhelmingly positive view of Obama is tinged by the same mild amusement evinced when a dark-skinned Egyptian is seen driving a late-model Mercedes. Obama's choice of Cairo to deliver a speech to the Muslim world on June 4 notwithstanding, there is growing hostility toward Americans on the Egyptian "street," fed as always by a corrupt government that hides America's largesse while trying to deflect the blame for its own incompetence and venality. Popular anger is also fanned by Arab satellite media,

James F.X. O'Gara, a Washington writer, lived in Cairo for five years and visits regularly.

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which have convinced most Egyptians that American soldiers spend their days violating Muslim holy places and flushing Korans down toilets.

The cynicism of Arab leaders, insecure in their police states and happy to see Iraq fail, is on full display in Cairo, with outdated B-roll of the fruitless search for WMD ubiquitous on local TV and commentary on America's plan to steal Iraq's oil a staple in the official press. Yet it is the satellite stations that have captured the popular imagination, and one hears more about what Egyptian-born firebrand preacher Sheikh Yusuf al Qaradawi and his ilk said on Al Jazeera last night. (Qaradawi is best known in the West for his *fatwa* authorizing the murder of American civilians working in Iraq.) Nightly porn broadcasts from a Cypriot satellite channel have had a significant, though less discussed, impact, exerting a subtle gravitational tug on men who would otherwise stay out all night socializing at the café. Sympathy for the plight of the Palestinians, a leading insincere cause célèbre for generations of cynical Arab regimes determined to keep the focus on Israel and not on themselves, has also become more heartfelt, thanks to saturation coverage from *el dish*.

Superficial hostility aside, Egyptians are remarkably curious, and by and large still melt when a foreigner stops to chat, although there's one in every crowd who probably really does detest Americans, with Israel seen as a smaller and more awful version of the United States. There is no mention here of the peace with Israel, a durable achievement that started with Anwar Sadat's offer to fly to Tel Aviv, or the Camp David Accords, which led to riotous celebrations in March 1979 when Egyptians concluded that their sons' days of being ground up in wars with Israel were finally over. Nor, for that matter, is there a mention of Sadat. Stores invariably have a Koran on display along with pictures of Mubarak and often Gamal Abdel Nasser. But trotting out the old airbrushed photos of the fallen pipe smoker from Mit Abul Qom would only invite trouble. Nor does Mubarak, who was shot in the hand in the attack that killed Sadat and eleven others, broach the subject. A local joke runs that his hand injury came about because he was pointing to Sadat during the attack, yelling "Him, him!"

Curiosity about foreigners has a downside for the visitor, and even an expat who does not relish being drawn into a heated discussion of politics and America's role in the world will sometimes rise to the challenge when confronted with an especially vehement Cairene. The visitor's first line of argument, that everyone loves his country first and would certainly never say anything bad about it while abroad, goes down remarkably well, suggesting that Egyptians have a better grasp of the concept of patriotism than, say, most Americans living in Paris.

Another rumor held that aftermarket seat belts made in Israel contained a chemical designed to make Arab men sterile. This one probably cannot be disproved, though with population densities pushing 1,000 *per acre*, it is hard to see what all the fuss was about.

Failing that, and putting the lie to all the tongue clucking about how "badly" things are going in Iraq, the foreigner can note that Iraq—a "Shia" country no less—is blossoming into the first Arab democracy. The first time this line of argument was deployed, the questioner, a vehement, hateful type, got up from his seat at the café without a word and walked away. (And he didn't come back with a gun. There are some benefits to traveling in a police state.)

News travels fast in Cairo but it usually travels wrong. In the 1980s, riots broke out and people were killed over a wild rumor that Christians were spray-painting crosses on Muslim women's dresses using invisible ink. Subsequent rumors claimed that the iconic label of Coca-Cola (the company was fresh out from under a two-decade Arab League boycott for having a bottling plant in Israel) showed the Arabic words "No Mohammed, No Mecca" when viewed in the mirror. One would imagine that with a little squinting, literate Egyptians would be uniquely positioned to disconfirm such a thesis. In the end, it took Egypt's grand mufti to issue an opinion that the logo had been "designed in Atlanta 114 years ago in the state of Georgia and was written in a foreign language, not Arabic."

No sooner had the Coke business been put to bed than another rumor cropped up claiming that aftermarket seat belts made in Israel contained a chemical designed to make Arab men sterile (Cairo's enormous fleet of cabs have been retrofitting seatbelts in recent years). As with the invisible ink rumor, this one probably cannot be disproved, though with population densities in "popular" quarters pushing 1,000 *per acre*, it is hard to see what all the fuss was about. Not surprisingly, Egyptians get on each other's nerves. Surprisingly, they don't seem to mind living packed together. In her superb book *Cairo: City of Sand*, Maria Golia retells a joke about a peasant who comes into town complaining of a toothache. He tells the dentist to pull out all the teeth except the bad one. "Let this son of a dog be all alone." To be alone is to be punished.

Cairo's insane overcrowding reaches its worst in the Manshiet Nasser neighborhood, an old dump largely reclaimed by Christian migrant workers and recently cut off from the rest of the city by a superhighway. The garbage workers, or *zabbaleen*, have created a system to sort out 16 types of trash, from paper to glass to cloth, and of course food. Eking out a living in the collapsing splendor of Cairo is no mean feat; more remarkable still is the way illiterate peasant migrants from the countryside have found steady work

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in sorting, cleaning, melting, and otherwise recycling garbage, all done with machinery that would cause an OSHA inspector to faint. A recent documentary by filmmaker Engi Wassef reveals that the worst jobs, such as culling the slop for the quarter's pigs, pay among the best, and are jobs only a low-born Christian would consider.

Their peaceful neighborhood and its self-sufficiency are a point of pride for the people of Manshiet Nasser, who pack its churches for daily services and have hewn a cathedral into the side of a cliff. The government basically stays out, with rare but tragic exceptions as when public fear of swine flu (there have been no confirmed cases, according to the semi-official press) was translated into a campaign, unsupported by the science, to slaughter the city's 350,000 pigs and pay their owners below-market rates. The government is mostly too sclerotic and unimaginative to conceive of deliberate moves against 8 million Christians, who cause it no trouble in any event and are broadly integrated into Egyptian society. But the move may have burnished the government's street cred among its more pious Muslim constituencies, a benefit more precious to the regime than any public health gains.

Egyptians are modest in matters involving the sexes, but living five or eight to a room makes them earthy at the same time. As described in the local press, Grand Mufti Ali Gomaa caused a stir last month by issuing a "*fatwa* legalizing a type of Islamic marriage called *misyar*, where couples continue to live at their parents' homes, but meet once or twice a week for sex." The ruling "perturbed this Muslim country and even divided religious scholars."

Set against this backdrop of constant turmoil and yet remarkable stability, President Obama's visit comes as a shot in the arm for Egypt's worn-out ruling class, probably the least efficient route to the heart of the average Egyptian. Whether the speech will rise above the noise level of the pig slaughter and the "visit" marriages is anyone's guess. ♦

The Unknown Massacre

Beijing is making a mistake by suppressing the truth about Tiananmen.

BY GORDON G. CHANG

In 1996, Min, then in her mid-20s, expressed disbelief when she first heard of the massacre in Tiananmen Square. The tragedy had come up in a casual dinner conversation I was having in her hometown of Shanghai with her and Chris, her American boyfriend. I was taken aback that anyone could have lived in a major city in China during the turmoil of 1989 and not known that a million people had gathered in the spiritual heart of the country, that the vicious 27th Army had shot its way through the streets of Beijing on the night of June 3, and that soldiers had reclaimed the square by morning after perhaps 3,000 had been killed. There were at the time democracy protests and activities in 371 cities in China, including big rallies in Min's Shanghai.

Those who lived through the Beijing Spring of 1989 will never forget the exhilaration of gathering in the square and the horror of the murderous crackdown, but the regime can for the most part keep them silent. But only a part of the nation has been scarred. For China's young, Tiananmen never happened.

For 20 years, China's Communist party has resorted to euphemisms when it has had to talk about Tiananmen, delicately referring to the slaughter as "the event that happened in the late 1980s of last century" or more simply as "that 1989 affair." For the most part, it has been able to prevent an open discussion of the matter inside China. Textbooks don't mention it, teachers don't teach it, and the state media go out of their way to ignore it. Mainland chat rooms are scrubbed of references to the killings, and Chinese search engines block Tiananmen articles. Censors are quick to delete the number "64," the code the Chinese have developed for referring to the events of June 4.

The erasure of history can never be completely successful, of course. In June 2007, for instance, a paper in the southwestern city of Chengdu ran a classified ad commemorating the mothers of victims of the massacre. The clerk accepted the ad because she had never heard of the incident. Ultimately, three editors were fired.

Eventually people find out and become disillusioned with their government, especially because they realize they can learn the truth about their country only from foreigners. And ignorance of Tiananmen might be more dangerous to the regime than full knowledge of it. Because they don't know all that occurred in 1989, younger Chinese view their government as unthreatening. "The only thing I can remember about June 4 is watching television and hearing that riot police had died," said Lu Jing, who was six at the time of the massacre, to an Agence France-Presse reporter. "I don't believe any students died. China in this respect is democratic as China wouldn't hurt its own people."

As *New York Times* columnist Nicholas Kristof has noted, the Chinese don't take to the streets when they are angry. They do so when they think they can get away with it. "China has always operated to some degree on fear, and that fear is now eroding," he wrote in 2003. The erosion has progressed so far that the essential lesson Deng Xiaoping sought to instill in 1989—

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that the Communist party is willing to resort to deadly violence on a mass scale—has been largely lost. Earlier this month, I was talking to a prominent businessman in his spacious office in a Shanghai skyscraper, and he acknowledged how much China had changed in the last 20 years. "No one fears the government any more," he noted with a broad smile.

And why should they? There's unimaginable societal change happening at speed. The People's Republic is beginning to take on the look, and even some of the feel, of the modern world. In short, China looks less Chinese, and less authoritarian as well.

Ignorance of 1989 is contributing to the perception of a freer society among the youngest—and most volatile—elements of the population. They have known nothing but prosperity and take it for granted. As the economy stumbles—and the country has entered a period of no or slow growth that could last years—China's supposedly apathetic generation could find cause for political activism, just as the young did in the 1980s. Young Chinese believe they have rights and the space to exercise them, and Beijing's leaders could face a new wave of defiance as a result.

The most stable authoritarian governments are generally the ones with the harshest rulers. Chinese president Hu Jintao is reputed to have said inside one of Beijing's closed councils: "Politically, North Korea has been consistently correct." Kim Jong Il has been able to tighten his grip over a state weakened by continual famine and destitution in large part because of public executions and other tactics that instill dread and apprehension among ordinary North Koreans.

Like Kim, Mao Zedong and Deng were capable of great crimes against their people when they felt the need to defend their regime. Their successors are technocratic and bland and not especially bloodthirsty. Wen Jiabao, the current premier, is known as the "crying prime minister" and "Grandpa Wen." His repressive tactics have been more modern and subtle than Kim's—and not as effective. There are tens of thousands of protests each year in China and few in North Korea.

The Tiananmen anniversary will undoubtedly pass without official comment this year. As in the past, a few citizens will be quoted in Western media as saying the incident is old history, and they have "moved on." Yet Communist party leaders, judging from their reluctance to discuss the events of 20 years ago, have not. Because they cannot be candid, they cannot defend themselves in front of those who remember. And by repressing the memory of the Beijing Spring, they are lessening the fear that has kept the one-party state in power. For Chinese autocrats these days, there may be no right answer on Tiananmen. ♦

Lobbyists ♥ Obama

It's a golden age for the 'advocacy' business.

BY GARY ANDRES

Like most political reforms, the Obama administration's attempt to clean up lobbying is beset with unintended consequences. The president's policies are producing an explosion in interest-group activity, and much of the growth is taking place outside the scope of federal disclosure and other regulations.

The expansion of government always causes lobbying to grow, and Obama is enlarging Washington's reach. The bigger, more complicated, and more activist the federal government becomes, the more the affected interests mobilize. Columnist Robert Samuelson calls Obama's bigger government a "gift for K Street." The president's promise to banish special interests from the political arena, Samuelson writes, is "doomed to fail" because "the only way to eliminate lobbying and special interests is to eliminate government."

Samuelson is partly right. Lobbying growth in the last four decades closely tracks the expansion of the federal government. More complicated laws, a proliferation of congressional subcommittees, the expansion of legislative staff, and increased federal regulatory volume all induce affected parties to devote more resources to Washington. Since the 1970s, the number of associations moving to the District, the percentage of large corporations with a presence inside the Beltway, and the roster of issue-based advocacy groups have all spiked. Political scientist Beth Leech and her colleagues published a paper in 2005 concluding, "Groups do not automatically form and come to Washington; there must be a demand for them. Government creates that demand." Government is doing so now at an accelerating pace as the federal leviathan marches further into the auto, financial services, and health care sectors.

What's more, those affected by President Obama's promise to bring "change" to Washington play both defense and offense. Anytime a new policy challenges the status quo, interests respond by maneuvering to avoid risk and exploit opportunity. Labor unions, environmental groups, business organizations, and professional societies seek to reshape bad proposals to avoid costs (higher taxes, new rules) and secure advantages (new spending, the shifting of costs to competitors). At present, while many business interests are on their heels, liberal groups like trial lawyers, unions, and greens are making gains unthinkable during the last eight years.

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Yet perhaps the most important change is taking place in the world of advocacy itself. Here, the president's caricature of special interests perpetuates and masks another important shift. Obama's narrative is simplistic and ugly: Lobbying is all about some fat cat in an expensive suit handing out cash and cigars to lawmakers, while plying them with three-martini lunches in exchange for Bridges to Nowhere. This doesn't resemble the real world.

Today, lobbying, like government itself, is a large and complex enterprise. While the number of registered lobbyists in Washington doubled between 2000 and 2006 (from about 15,000 to 30,000), many believe that is just the tip of the iceberg. Political scientist James Thurber of American University believes the real number is three or four times larger.

In structure and tactics, the lobbying world looks a lot more like a well-organized political campaign than the classic individual "influence peddler." Its denizens are engaged in direct advocacy, but also in research, polling, message development, advertising, grassroots organizing, new media, and more.

Like many other aspects of politics—such as the proliferation of so-called 527 campaign finance organizations, following the "reforms" to ban soft money—lobbying has changed faster than the government's ability to regulate it.

Consider two lobbyists. The first arranges for 10 face-to-face visits with lawmakers to urge the defeat of a piece of legislation. He or she should register as a lobbyist. The second produces a media or grassroots campaign with exactly the same message, aimed at the same 10 lawmakers. He or she is not considered a lobbyist under the law. Only some modes of lobbying activity are regulated, and use of the new, unregulated lobbying tools is growing.

Many get around Obama's "Scarlet L" by giving their work another name. Former lawmakers and former senior administration officials offer high-priced advice, strategic information, and intelligence about how to affect public policy but call themselves "strategists" instead of using the "L" word—and don't register as lobbyists.

Consider "Business Forward," a group whose formation was announced last week. According to the *New York Times*, it will engage in "public advocacy" on behalf of President Obama's agenda, including health care and climate change, but will not "lobby" administration officials or members of Congress. It is, in effect, an organization of non-lobbyist lobbyists.

Finally, some government relations executives who previously registered as lobbyists are now "delisting"—causing a growing number of former interest group advocates to move out of the federal disclosure regime entirely. "Why should I take all the cheap shot criticism for being a 'lobbyist' when I spend most of my time doing other things, like managing my staff and giving advice to senior management about public policy?" an executive with a major corporation asked me.

Others see "deregistering" as a problematic trend. "One of the unintended effects of President Obama's anti-lobbyist reforms," Thurber told me, "is fewer advocates are registering and more are deregistering, thus creating less transparency in Washington."

So despite the president's political rhetoric and protestations, lobbying is entering a golden age, with much of the activity hidden from public view. Curtailing the size and reach of government—as Samuelson suggests—would be one way to curb it. The other would be to amend the Constitution to eliminate Americans' First Amendment right to petition the government for redress of grievances, for, given the Obama trajectory of government expansion, the list of grievances and of lobbyists out to remedy them will certainly grow. ♦

Say It Ain't So, Larry

Did the president's top economic adviser really sign off on these policies?

BY IRWIN M. STELZER

Ninety years ago the Chicago White Sox intentionally lost—dumped, to you sports fans—the World Series. Legend has it that a young fan implored the team's star, "Shoeless" Joe Jackson, as he emerged from the court house, "Say it ain't so, Joe." The Shoeless one allegedly responded, "Yes, I'm afraid it is, kid."

Let's hope that chief White House economic adviser Larry Summers wouldn't respond similarly if someone were to charge that he sat silently when the administration's political types decided it would be just fine to submit a budget that will take the ratio of debt-to-GDP from around 40 percent to 80 percent—most critics say 100 percent is where the debt-to-GDP ratio will in fact end up in ten years. Surely Summers knows that many economists use a rule-of-thumb that suggests that such an increase will force interest rates up between 1.25 and 1.5 percentage points, with unpleasant consequences for our economic growth rate. Or that, according to the highly regarded Stanford professor John Taylor, we could only inflate our way out of the problem by allowing a 100 percent rise in the price level over a ten-year period.

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More important, it was only a few weeks ago that Summers told an audience at the Brookings Institution that it is "a criterion of fiscal sustainability that ensures that once the economy has recovered, the ratio of the nation's debt to its income stabilizes rather than continuing to grow. . . . Once your income has returned to normal . . . your debts can't be rising relative to your income." But just such an increase is built into the president's ten-year budget.

Summers is famous for his intellect and ability to shoot down nonsensical ideas, so if he was not asleep or absent, he must have gone along. Say it ain't so, Larry.

The administration, led by GM and Chrysler CEO Barack Obama, also decided to lay hands on the auto industry. First it shortchanged the companies' creditors—pension funds and investors who had lent the companies money on terms that gave them preferential access to the companies' assets should there be a bankruptcy. What matter contractual obligations when the United Auto Workers is awaiting payback for its support of Obama in the primary and general election campaigns? Surely Summers knows that such a move will make investors more reluctant to lend in the future and inclined to charge higher interest rates to any companies they do finance. Some say Summers sat in on these meetings and either lost the argument—implausible, in the view of those who have jousted with him in the past—or remained silent. Say it ain't so, Larry.

The administration has also promised to lower health care costs by introducing new IT systems and expanding insurance coverage. Virtually every expert says that information technology might be a nice thing—automated records, easily accessible—but at best will have only a trivial effect on costs. And just how expanding coverage can lower costs remains a mystery to most economists. Unless, of course, the administration is planning to ration health care, a nightmarish system that until recently led the National Health Service in Britain to deny treatment to patients suffering from macular degeneration until they were blind in one eye. Summers knows all about these cost figures and the inefficiencies of rationing. Did he decide to go along to get along? Say it ain't so, Larry.

Then there is energy policy. The president says he can make us independent of foreign oil. Summers knows he can't. He knows too that many economists contend fuel efficiency standards are more likely to deny consumers the cars they want than to have any effect on global climate, given the developing countries' plans to build thousands of new coal-fired generating stations. Summers had the opportunity while at Harvard to sit at the feet of the wonderful energy economist Professor William Hogan (as did I, although the thought of Summers meekly sitting at the feet of a colleague does strain credulity). So he must have decided either to nod off during the energy policy meetings at the White House or to defer to climate and energy policy czar Carol Browner. Say it ain't so, Larry.

Many of us took heart when we learned that Larry Summers was to be at the center of Obama's economic policy-making. We were sure his fearless intelligence and debating skills would prevent the administration from making terrible policy errors.

The administration is determined to encourage trade union membership and the growth of union power. Rules for reviewing the expenditures of union officers are being relaxed. "Card check" is to replace the secret ballot in union recognition elections. Compulsory arbitration is to be accorded a large role in the future, putting government arbitrators in a position to respond favorably to union demands. Summers once believed that unionization contributes to long-term unemployment. That was 20 years ago, and he now says circumstances might have changed. But it is worth reading what he wrote in *The Concise Encyclopedia of Economics*:

> Another cause of long-term unemployment is unionization. High union wages that exceed the competitive market rate are likely to cause job losses in the unionized sector of the economy. Also, those who lose high-wage union jobs are often reluctant to accept alternative low-wage employment. Between 1970 and 1985, for example, a state with a 20 percent unionization rate, approximately the average for the fifty states and the District of Columbia, experienced an unemployment rate that was 1.2 percentage points higher than that of a hypothetical state that had no unions. To put this in perspective, 1.2 percentage points is about 60 percent of the increase in normal unemployment between 1970 and 1985.

So is he in favor of card check, compulsory arbitration, and the rest of the Obama trade union agenda? Say it ain't so, Larry.

There's more, but you get the idea. When Barack Obama won the election and began to staff up, those of us who worried that the administration's policies would lean so far in the direction of political pandering as to create serious economic problems took heart when we learned that Larry Summers was to be at the center of policy-making. His fearless intelligence and debating skills would certainly prevent the administration from making terrible, irrevocable policy errors. Christina Romer, chosen by Obama to chair his Council of Economic Advisers, might prefer that appointment to fidelity to her academic research findings—tax cuts are more effective in stimulating an economy than is spending—but surely Larry Summers would not. So great is his reputation that Obama's chief political adviser, David Axelrod, told the press, "I'm not sure we would have gotten him but for the fact that we have a crisis that is equal to his talents."

Many of us joined Axelrod in praising Obama for landing Summers. And those who know him even slightly had no doubt that he has the good sense to treat fools slightly more kindly than his reputation would lead one to expect. So he could be heard. But we wonder if his voice of sanity has gone the way of Paul Volcker's, stifled and ignored. Say it ain't so, Larry. ♦

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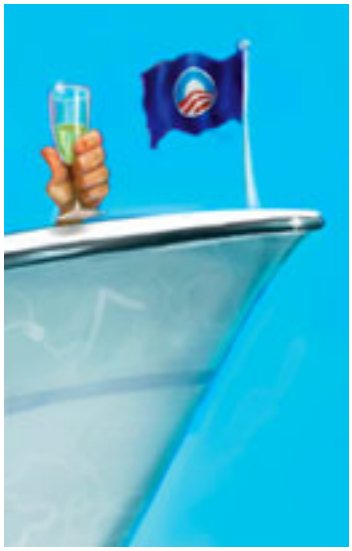
Millionaires' Brawl

America's real power struggle: super rich liberals vs. ordinary plutocrats

By Andrew Stuttaford

With the economy floundering, Wall Street in disgrace, and American capitalism facing its most serious ideological challenge in one, two, or three generations (you can take your pick), it's a good moment to remember Lenin. While the bearded Bolshevik's grasp of economics was never the best and his stock picks remain a mystery, he would have grasped the politics of our present situation all too well. The old butcher would not have found anything especially surprising about the rise of Barack Obama, the nature of his supporters, or the evolution of his policies. He would have simply asked his usual question: *Kto/kogo* ("Who/whom"). The answer would tell him almost everything he needed to know. Lenin regarded politics as binary—a zero sum game with winners, losers, and nothing in between. For him it was a bare-knuckled brawl that ultimately could be reduced to that single brutal question: *who* was on top and *who* was not. *Who* was giving orders to *whom*. Hope and Change, *nyet* so much.



Of course, it would be foolish to deny the role that things like idealism, sanctimony, fashion, hysteria, exhaustion, restlessness, changing demographics, Hurricane Katrina, an unpopular war, George W. Bush, and mounting economic alarm played in shaping last November's Democratic triumph. Nevertheless if we peer through the smug, self-congratulatory smog that enveloped the Obama campaign, the outlines of a harder-edged narrative can be discerned, a narrative that bolsters the idea that Lenin's cynical maxim has held up better than the state he created.

So, who in 2008 was Who, and who Whom?

In a Democratic year, it's no surprise that organized labor emerged as Who and large swaths of the private sector as Whom. Many of the other, sometimes overlapping, constituencies (whether it's minorities, the young, or the gay, to name but three) who saw themselves benefiting from an Obama presidency were equally easy to predict. After all, whether by the accident of his birth or the design of his campaign, Obama's victorious coalition was, even more than most, a creation of meticulously assembled blocks, more *pluribus* than *unum*, and each with plenty to gain from his arrival in the White House.

That said, for all the smiles, the reassuring vagueness, and the this-isn't-going-to-hurt (too much) rhetoric, it was somewhat less predictable that a large slice of the upper crust would succumb to Obama's deftly articulated pitch. Yes, it's true that there had been signs that some richer, more upscale voters were being driven into the Democratic camp by the culture wars (and the fact that prosperity had left them free to put a priority on such issues). Nevertheless, even after taking account of the impact of an unusually unpopular incumbent, it's striking how much this process intensified in 2008—a year in which the Democrats were not only running their most leftwing candidate since George McGovern, but also running a leftwing candidate with every chance of winning. Voting for Obama would not be a cost-free virtuecratic nod, but a choice with consequences. At first glance therefore it makes little sense that 49 percent of those from households making more than $100,000 a year (26 percent of the electorate) opted for the Democrat, up from 41 percent in 2004, as did 52 percent of those raking in over $200,000 (6 percent of voters), up from 35 percent last go round.

Yet, this shift in voting patterns is more rational than it initially seems: more Lenin than lemming. Class conflict is inherent in all higher primate societies (even this one). It can manifest itself at every level, right up to the very top,

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and certain aspects of the 2008 campaign came to resemble a millionaires' brawl—one that was, of course, decorous, *sotto voce*, and rarely mentioned.

In a shrewd article written for *Politico* shortly after the election, Clinton adviser Mark Penn tried to pin down who exactly these higher echelon Obama voters were ("professional," corporate rather than small business, highly educated, and so on). Possibly uncomfortable with acknowledging anything so allegedly un-American as class yet politically very comfortable with this obvious class's obvious electoral clout, he eulogized its supposedly shared characteristics: teamwork, pragmatism, collective action, trust in government intervention, a preference for the scientific over the faith-based, and a belief in the "interconnectedness of the world." We could doubtless add an appreciation of NPR and a fondness for a bracing decaf venti latte to the list, and as we did so we would try hard to forget this disquieting passage from George Orwell's *Nineteen Eighty-Four*: "The new aristocracy was made up for the most part of bureaucrats, scientists, technicians, trade-union organizers, publicity experts, sociologists, teachers, journalists, and professional politicians."

We are not Oceania, and there's a messiah in the White House rather than Big Brother, but it's not hard to read Lenin, Penn, and Orwell, and then decide that Penn's professionals are the coming Who. They have certainly (at least until the current economic unpleasantness) been growing rapidly in numbers. As Penn relates:

> While there has been some inflation over the past 12 years, the exit poll demographics show that the fastest growing group of voters . . . has been those making over $100,000 a year. . . . In 1996, only 9 percent of the electorate said their family income was that high . . . [By 2008] it had grown to 26 percent.

This is a class that is likely to be more ethnically diverse and younger than previous groupings of the affluent—factors that may influence their voting as much as their income. Nevertheless, even if we allow for the fact that there is a limit to how far you can conflate households on $100,000 a year with those on $200,000, there are enough of them with enough in the way of similar career paths, education, and aspirations that together they can be treated as the sort of voting bloc that Penn describes. And it's a formidable voting bloc with a formidable sense of its own self-interest.

That sense of self-interest might seem tricky to reconcile with voting for a candidate likely (and for those making over $200,000 certain) to hike their taxes. In the wake of the long Wall Street boom and savage bust, however, it is anything but. Put crudely, the economic growth of the 1990s and 2000s created the conditions in which this class could both flourish and feel hard done by. Penn hints at one explanation for this contradiction when he refers to the alienating effect of the layoffs that are a regular feature of modern American corporate life. That's true enough. Today's executive may be well paid, sometimes very well paid, but he is in some respects little more than a day laborer. Corporate paternalism has been killed—and the murderer is widely believed to be the Gordon Gekko model of capitalism that Obama has vowed to cut down to size.

But Penn fails to mention (perhaps because it was too unflattering a motive to attribute to a constituency he clearly wants to cultivate) that this discontent stems as much from green eyes as pink slips—as well, it must be added, from a strong sense of entitlement denied. Traces of this can be detected in parts of Robert Frank's *Richistan: A Journey through the American Wealth Boom and the Lives of the New Rich* (2007), a clever, classically top-of-the-bull-market account of what was then—ah, 2007!—America's new Gilded Age. To read this invaluable travelogue of the territories of the rich (the "virtual nation," complete with possessions, that Frank dubs "Richistan") is to see how the emergence of a mass class of super-rich could fuel growing resentment both within its ranks and, by extension, without. By "without," I refer not to the genuinely poor, who have, sadly, had time to become accustomed to almost immeasur-

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ably worse levels of deprivation, but to the not-quite-so-rich eyeing their neighbors' new Lexus and simmering, snarling, and borrowing to keep up. The story of rising inequality in America is a familiar one: What's not so well known is that the divide has grown sharpest at the top. Frank reports that the average income for the top 1 percent of income earners grew 57 percent between 1990 and 2004, but that of the top 0.1 percent raced ahead by 85 percent, a trend that will have accelerated until 2008 and found echoes further down the economic hierarchy.

You might not weep for the mergers-and-acquisition man maddened by the size of an even richer hedge fund manager's yacht, but his trauma is a symptom of a syndrome that has spread far beyond Greenwich, Connecticut. Above a certain level, wealth, and the status that flows from it, is more a matter of relatives than absolutes. The less dramatically affluent alphas that make up the core of Penn's professionals—lawyers, journalists, corporate types, academics, senior civil servants, and the like—suddenly found themselves over the last decade not just overshadowed by finance's new titans but actually priced out of many things they view as the perks of their position: private schools, second homes, and so on. I doubt they enjoyed the experience.

The economic growth of the 1990s and 2000s created the conditions in which the professional class could both flourish and feel hard done by.

Well educated, articulate and, by any usual measure, successful, they had been reduced to betas—and thus, politically, to a glint in Obama's eye. The decades of prosperity had swollen their numbers, but shrunk their status and their security. Their privileges were mocked or dismantled and their "good" jobs were ever more vulnerable. Wives as well as husbands now *had* to work, and not just down at the church's charity store either, a change that is more resented than Stepford's children would generally like to admit. Even so, things they felt should have been theirs by rights were still out of reach or, perhaps worse, graspable only by heavily leveraged hands. In a boom-time (July 2006) piece for *Vanity Fair*, Nina Munk interviewed two women amongst "the worn carpet and faded chintz" of Greenwich's old guard Round Hill Club. They told her how everything had gone downhill, "no one can afford to live here—all our kids are moving to Darien or Rowayton because it's cheaper."

It's a mark of the pressure to keep up that, as Frank noted, in 2004, 20 percent of "Lower Richistanis," those 7.5 million households (the number would be lower now, but it then would have constituted roughly 6-7 percent of the U.S. total) struggling along on a net worth of $1 million to $10 million, spent more than they earned. These poor souls will have included the most prosperous of Penn's professionals, but in an age of "mass luxury" and almost unlimited credit, the compulsion to do whatever it took not to be trumped by the Joneses spread to their less affluent cohorts, with the devastating consequences that were finally visible to all by the middle of last year.

Thus Penn's people had been outbid and outplayed by a rapacious Wall Street swarm of boors, rogues, gamblers, whippersnappers, the plain lucky, and the otherwise undeserving. Then came Wall Street's implosion and these prejudices were reinforced by that hole in the 401(k) and the collapse in the value of that overmortgaged house. Voting left looked better and better.

In 2007, the final financial reckoning was still slouching along waiting to be born. Back then, all they knew was that they had been shoved down the totem pole, which had changed beyond recognition. Nothing that had mattered did, or so it appeared. You can see an echo of this in the opening sections of one of the numerous (and, to be fair, not entirely unmerited) I-told-you-so articles penned by Paul Krugman in recent months:

> Thirty-plus years ago, when I was a graduate student in economics, only the least ambitious of my classmates sought careers in the financial world. Even then, investment banks paid more than teaching or public service—but not that much more, and anyway, everyone knew that banking was, well, boring. In the years that followed, of course, banking became anything but boring. Wheeling and dealing flourished, and pay scales in finance shot up, drawing in many of the nation's best and brightest young people (O.K., I'm not so sure about the "best" part).

This social unease bubbled through Tom Wolfe's "The Pirate Pose," a 2007 essay that ran, apparently without irony, in the inaugural edition of Condé Nast's glossy *Portfolio* magazine, itself a lost artifact of the era when CDOs were still chic. Wolfe's sly—and in its exaggerations accidentally self-revealing—piece opens with an insistent pounding at the door of a Park Avenue apartment. Inside, a genteel lady rises from her "18th-century" (old!) "burled-wood secretary" (tasteful!), "her grandmother's" (old money!), "where she always wrote her thank-you notes" (refined!). Outside rages the absolutely *dreadful* hedge fund manager with "more money than God" who has just moved into the building:

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> Ever so gingerly, she opened the door. He was a meat-fed man wearing a rather shiny—silk?—and rather too vividly striped open shirt that paunched out slightly over his waistband. The waistband was down at hip-hugger level because the lower half of his fortyish body was squeezed into a pair of twentyish jeans . . . gloriously frayed at the bottoms of the pant legs, from which protruded a pair of long, shiny pointed alligator shoes. They looked like weapons.

Wolfe had fallen out of love with the Masters of the Universe. The ironic detachment that was one of the many pleasures of *The Bonfire of the Vanities* had been bumped and buffeted by the author's horror at the barbarians not just broken through the gates, but everywhere he would rather be, something that perhaps explains the faintest trace of glee that runs through this passage:

> As for the co-op buildings in New York, their residents having felt already burned by the fabulous new money, some are now considering new screening devices. . . . The board of a building on Park Avenue is now considering rejecting applicants who have *too much* money.

Wolfe is angry, not so much because of the money (Sherman McCoy wasn't exactly poor), but because these loutish self-styled freebooters do not care for what he enjoys, what he stands for, even for where he might socialize (in his lists of some of the older Upper East Side hangouts, he throws in a couple of the more recherché names—the Brook, the Leash—as a reminder that *he* knows what's what). They despise what he favors, and even condescension, that traditional last line of defense against the arriviste who does not know his place, is unavailable. How can you condescend to someone who does not care what you think and is richer than you can imagine? The great writer finds himself sidelined on what is, quite literally, his home turf.

This is the class resentment that twists through recent remarks by another writer, a former academic who argued that it was ridiculous that "25-year-olds [were] getting million-dollar bonuses, [and] they were willing to pay $100 for a steak dinner and the waiter was getting the kinds of tips that would make a college professor envious."

The reference to a "college professor" as the epitome of the individual wronged by this topsy-turvy state of affairs is telling: 58 percent of those with a postgraduate education voted Democratic, up from 50 percent in 1992 (those with just one degree split more evenly). If those comments are telling, so is the identity of the speaker: one Barack Obama, a politician who has explicitly and implicitly promised the managers, the scribblers, the professors, and the now-eclipsed gentry that he would finish what the market collapse had begun. He'd put those Wall Street nouveaux back in their place. Higher taxes will claw at what's left of their fortunes and, no less crucially, their prospects. What taxes don't accomplish, new regulation (some of which even makes some sense) and the direct stake the government has now taken in so much of the economy will. Better still are all the respectably lucrative, respectably respectable jobs that it will take to run, or bypass, this new order: Former derivatives traders need not apply.

In an only slightly tongue-in-cheek February column in the *New York Times,* David Brooks neatly described what this will mean:

> After the TARP, the auto bailout, the stimulus package, the Fed rescue packages and various other federal interventions, rich people no longer get to set their own rules. Now lifestyle standards for the privileged class are set by people who live in Ward Three . . . a section of Northwest Washington, D.C., where many Democratic staffers, regulators, journalists, lawyers, Obama aides and senior civil servants live.

If the price for this is a relatively modest (for now) tax increase on their own incomes, it is one the denizens of Ward Three and their equivalents elsewhere will be happy to pay. For it is they now who are on a roll, and every day the news, carefully crafted by the journalists that make up such an archetypical part of Penn's professional class, gets sweeter.

The humbling of Wall Street has made for great copy, but it's fascinating how much personal animus runs through some of the reporting; from the giddy, gloating, descriptions of excess, of bonuses won and fortunes lost, to the oddly misogynistic trial-of-Marie-Antoinette subgenre devoted to examining the plight of "hedge fund wives" and, more recently, "TARP wives" (who had not, of course, been compelled to work).

In his "Profiles in Panic" a January 2009, article for *Vanity Fair*, Michael Shnayerson wrote:

> The day after Lehman Brothers went down, a high-end Manhattan department store reportedly had the biggest day of returns in its history. "Because the wives didn't want the husbands to get the credit-card bills," says a fashion-world insider.

Not quite the guillotine, but the *tricoteuses* would have relished the story.

And then there's this from the *Washington Post*'s travel section last month:

> For so long, they have been taking Manhattan. They as in the Wall Streeters who counted their bonuses in increments of millions. . . . The coveted restaurants, the hotels with infinite thread-count sheets . . . the designer shops that sniff at the idea of a sale—it was all theirs. But the times they-are-a-changin'. . . . Our moment to reclaim the city has arrived. To shove our wallets forward and say, Yes, we can afford this. In fact, give us two.

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To anticipate what (other than Ward Three vacationers to Manhattan) is coming next, listen to the increasing talk of congressional investigations (modelled on the FDR-era Pecora hearings) into Wall Street's workings or for that matter an intriguing, much-discussed piece in the *Atlantic Monthly* by Simon Johnson, a former chief economist for the IMF (Academic: check! Bureaucrat: check!), in which he drew comparisons, not all of them unfair, between the incestuous relationship between Wall Street and Washington and the more overtly corrupt oligarchies he had witnessed abroad in the course of his work. As this analysis finds wider acceptance (and it's too convenient not to), it presages a far greater overhaul of the financial sector than the moneymen now expect and a permanent shift of the balance of power (and the resulting rewards) back in favor of the political class and those who feed off it.

If you think that leaves some of Obama's Wall Street backers in the role of dupes, you're right. But there is a group who are looking smarter by the moment: the tiny cluster that dwells in Upper Richistan (households with a net worth in excess of $100,000,000). If we look at the admittedly sketchy data, there are clear indications that a majority of the inhabitants of Lower Richistan—with their millions but not their ten millions—voted for McCain. However much they might dislike the GOP's social conservatism or hanker after, say, a greener planet, they know that they are not so rich that they can afford to overlook the damage that a high tax, high regulation, high dudgeon liberal regime could do to their wealth, position, and prospects.

However much they might dislike the GOP's social conservatism or hanker after, say, a greener planet, the denizens of Lower Richistan know that they are not so rich that they can afford to overlook the damage of a high tax, high regulation, high dudgeon liberal regime.

The view from Upper Richistan looks very different. The (again sketchy) data suggest that its occupants voted for Obama, as they may well have done for Kerry. Platinum card and red (well, tastefully pink-accented) flag apparently go well together. Warren Buffett's ideological leanings are well known, as are the donations, causes, and preachings of George Soros. Then there was that campaign a few years back by some richer folk (including Soros, Sanka heiress Agnes Gund, and a nauseatingly named grouplet called Responsible Wealth) in defense of the Death Tax. Describing itself as a "network of over 700 business leaders and wealthy individuals in the top 5% of wealth and/or income in the US who use their surprising voice to advocate for fair taxes and corporate accountability," Responsible Wealth is these days busily calling for New York governor David Paterson to increase the tax on "those who can afford it—which means us."

To be sure, neither self-righteousness nor idiocy is a respecter of income, but taken as a whole such efforts are much more than gesture politics, and much more than an updated version of the radical chic so ably described by a younger Tom Wolfe. Many New Jerseyans might think that the very liberal, very rich (thank you, Goldman Sachs) Jon Corzine has been a joke of a governor, but his political career has been all too serious—easily gliding from Wall Street to the U.S. Senate to the governor's mansion—and he's by no means alone. Colorado's high-profile "Gang of Four" (three tech entrepreneurs and a billionaire heiress) may not quite share the politics of Madame Mao's even more notorious clique, but they have been enormously effective in pushing their state into the Democratic camp, and their tactics are sure to be emulated elsewhere. In *Richistan*, Frank cited a 2004 study that showed that among candidates who spent more than $4 million on their own campaigns, Democrats outnumbered Republicans three to one. Among candidates that spent $1 million to $4 million, Republicans outspent Democrats two to one: more evidence of the political split between Lower and Upper Richistan.

The notion that some of the very richest Americans (not all, of course) support the Democrats should no longer be seen as a novelty. Backing Obama was just the latest chapter in a well-worn story. And it is not as illogical as it might seem. These Croesuses are rich enough scarcely to notice the worst (fingers-crossed) that an Obama IRS can do. They were thus free to vote for Obama, a candidate whose broader policy agenda clearly resonated with many in this nation's elite and who seemed at the time both plausible and unthreatening. The shrewdest or most cynical amongst them will have realized something else, something that an old Bolshevik might call a class interest. The onslaughts on Lower Richistan and on Wall Street will make it more difficult for others to join them at mammon's pinnacle and thus to compete with them economically, politically (particularly in an era when McCain-Feingold has greatly increased the importance of being able to self-finance a campaign), and socially.

Who/whom indeed. ♦

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Stem Cells and Torture

What a society can and cannot afford to do when its survival is at stake

By Gilbert Meilaender

Let's start with stem cells. That may seem a strange place to begin thinking about torture, but many bioethical issues are at least as controversial and disputed as torture. Among the most controversial in recent years has been research that destroys embryos in order to procure stem cells for use in regenerative medicine. Those who oppose embryonic stem cell research have, in my view, made the right moral choice. The logic of that choice is worth examining, however, before we turn more directly to the issue of torture, for it is a choice that comes with certain costs.

It is still much too soon to say for sure whether the promise for regenerative medicine that some see in embryo-destructive research will be fulfilled or will lead to a dead end. Perhaps other approaches—using induced pluripotent stem cells or altered nuclear transfer—will make better scientific progress without the destruction of embryos, demonstrating that at least sometimes we can have our cake and eat it too. But perhaps not. Maybe these other approaches will fail to cure or ameliorate suffering from serious degenerative diseases, and embryo-destructive research will, in fact, turn out to be the "gold standard" its defenders often call it.

Even if things were to turn out that way, it would not mean that opponents of embryonic stem cell research had been wrong. It would simply mean that they had accepted the cost to which their moral beliefs committed them. They do not think that good results are the only—or even the most important—factor in determining how we ought to live. However fervently and sincerely they may hope that we find ways to relieve the condition of those who suffer, they do not take the further moral step of concluding that any and every avenue to that good end may be used. If this means that some suffering which could be relieved is not, then that is the cost, however regrettable, that a commitment to act rightly will sometimes exact.

This distinction, between what we do and what we accomplish, marks one of the fault lines in moral reasoning, and it reemerges time and again in bioethical argument. This was seen clearly and stated directly and forcefully when in the late 1960s bioethics first burst upon the scene in this country. Thus, in *The Patient as Person* (1973), one of the classic early works in bioethics, Paul Ramsey underscored the fundamental moral point: "There may be valuable scientific knowledge which it is morally impossible to obtain. There may be truths which would be of great and lasting benefit to mankind if they could be discovered, but which cannot be discovered without systematic and sustained violations of legitimate moral imperatives."

Embryonic stem cell research itself could not at that time have been on Ramsey's radar, prescient though he was in many ways. However, the ethics of medical research more generally surely was. A subject that received sustained attention in those early years of bioethics, it was the topic of a long and complicated chapter in *Patient as Person*. The thread that holds together the chapter's complications is the moral stance I have noted. The fact that both researchers and subjects are human persons "places an independent moral limit [independent, that is, of all possible good results flowing out of the research] upon the fashion in which the rest of mankind can be made the ultimate beneficiary of these procedures." That independent limit is the requirement that research subjects be able to give and actually do give a free and informed consent to their participation. If they cannot, the research ought not be done, however beneficial for others it might be—or so Ramsey, at any rate, believed.

Similar themes were sounded at that time by the Jewish philosopher, Hans Jonas, once described by Ramsey as "a person to me of exemplary moral wisdom."

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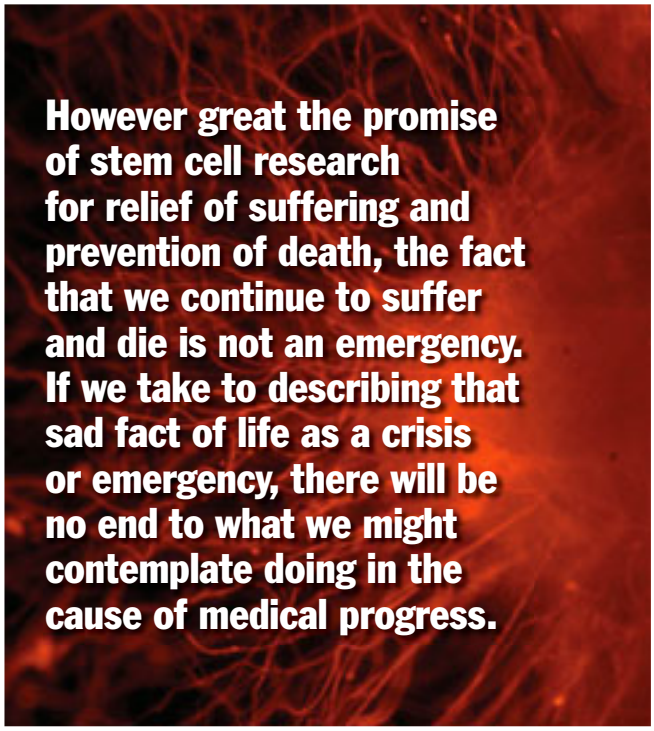
In "Philosophical Reflections on Experimenting with Human Subjects," a profound article that continues to repay careful study, Jonas considered the claim that a society "cannot afford" to forgo research that might improve and save lives—and could not, therefore, be too insistent on moral limits that would impede such research. His reflections on that sort of claim, a claim that might come all too readily to the lips of any of us, are bracing. "Of course" a society can afford to lose members through death. If diseases "continue to exact their toll at the normal rate of incidence . . . society can go on flourishing in every way."

To make medical progress through human experimentation is surely desirable; yet, Jonas wrote, such improvement is "an optional goal" and "has nothing sacred about it." What, then, is sacred? Each individual person, any one of whom we might be tempted to misuse in the cause of progress for others.

We should not, however, make Jonas's position simpler than it was. Improving society through research is always desirable but also always optional. Hence, such research is subject to what Ramsey called independent moral limits. They may retard our progress, but society can afford this and, indeed, morally must afford it. But what if the issue is not improving but, more starkly, preserving society? Jonas was prepared to acknowledge that there are "examples of what, in sober truth, society cannot afford." It cannot afford to let an epidemic "rage unchecked." Some epidemics are acute—as, for example, the Black Death was. Others are public calamities of a more chronic kind—as, for example, "the life-sapping ravages of endemic malaria" may be. Of these possibilities Jonas wrote: "A society as a whole can truly not 'afford' such situations, and they may call for extraordinary remedies, including, perhaps, the invasion of private sacrosanctities." Jonas did not think of this as a matter of numbers alone, since, as he noted, there is also a sense in which society cannot afford a single injustice or violation of rights. Still, there might be cases "critically affecting the whole condition, present and future, of the community" that could constitute something like a state of emergency in which disaster could be averted only through "extraordinary means" of experimentation—means otherwise forbidden.

Think now of our more recent disputes over embryonic stem cell research. However great the promise of such research for relief of suffering and prevention of death, the fact that we continue to suffer and die is not an emergency. If we take to describing that sad fact of life as a crisis or emergency, there will be no end to what we might contemplate doing in the cause of medical progress. Our desire to accomplish good results will have swamped any moral limits on what we do in pursuit of that goal. And, more generally, this should make us wary of the martial language—a "war on cancer"—still all too common in our thinking about medicine.



Embryonic stem cell

The policy for federal funding of embryonic stem cell research adopted by President Bush attempted both to recognize necessary moral limits and acknowledge complexities. That policy—which permitted funding of research only on stem cell lines derived from embryos destroyed prior to the president's decision—aimed at acknowledging the good of research, but in a way that would not encourage further destruction of embryos. From the standpoint of opponents of the research, it ran the moral risk of complicity in an evil deed. From the standpoint of proponents of the research, it incurred considerable moral cost, because of the limits it put in place. At least in my mind, there was considerable wisdom in the policy. We should acknowledge independent moral limits on how we pursue the goals we desire, and, therefore, we need not hesitate to argue that research in regenerative medicine ought to proceed by means that do not destroy the tiny human beings we all once were: embryos. But there will be costs—moral costs—to such a choice, for medical progress in regenerative medicine may be slower than it could be. What we accomplish, or decline to try to accomplish, does matter morally.

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The logic of that choice, as well as its complexities, should not be forgotten as we turn now to reflect upon torture. Even here, though, I begin rather far away from our current disputes. There is a brief but fascinating discussion of torture in Helmut Thielicke's *Theological Ethics*. To appreciate its significance we must keep in mind the difficulty—shared by Thielicke—that a certain kind of contemporary Lutheran theology has had with offering any moral guidance and direction.

Why should it be so hard? Because even the very "best" of us never reach a point at which we can with confidence seek God's judgment upon our behavior. If the best and the worst of us are equally sinners before God, it may seem beside the point to distinguish better from worse actions. (To give him his due, we should note that Thielicke was better than his theory during the years of the Nazi regime.)

If the point of theological ethics is not to distinguish better from worse actions, what is its point? It is to direct us away from our own, always tainted, attempts to distinguish right from wrong and toward reliance on God's mercy. Or, in Thielicke's rather more passionate language, the point of theological ethics is to uncover our Babylonian hearts and shatter our illusion that we might lay claim to being righteous. In the dark of night, all cats are gray, and what really counts is our justification before God, a justification that depends not a bit on anything we do but entirely on God's grace.

Whatever power there may be in such a theological vision—and there is some, as any reader of Thielicke knows—it will have difficulty saying of any deed that its very doing is incompatible with righteousness before God. How striking, therefore, that in certain "confrontations with transcendence" Thielicke himself found examples of "limits which cannot be transgressed," instances in which there is only one course of action compatible with righteousness before God. This may be an inconsistency in his thinking; if so, it is a felicitous and instructive inconsistency.

The first example of such a limit is the invitation to accomplish some great good through blasphemy. My concern, though, is with his second example of "direct confrontation with transcendence." This happens when the personhood of another human being, "the bearer of an alien dignity" and "the direct representation of transcendence," is at stake. "Of man's personhood too we may say, figuratively [as the prophet reports the Lord says of Israel], 'He who touches it touches the apple of God's eye.'"

How might we thus touch—that is, harm—the apple of God's eye? And what might tempt us to do so? Thielicke has in mind circumstances

> in which everything (the fate and success of our movement, perhaps the lives of our companions, wives, children, and even our very nation) depends upon the obtaining of certain information. In such cases the question inevitably arises whether we may obtain this information by means either of torture or of procedures of interrogation involving the use of certain truth drugs.

(For the moment, I leave torture undefined. That Thielicke can group these two means of acquiring information together helps us see what he thinks is at stake, what he means by a "confrontation with transcendence.")

In torture we seek to overcome another person's conscientious resistance to our will. We aim to "break the conscience which is commanding him to keep silence." This differs from what Thielicke calls "temptation by desire," which seeks to work "by way of the man's own decisions." Nor can torture be equated with coercion, with an attempt to force a decision out of the person. Torture seeks to inflict pain severe enough to eliminate the ego, to bypass "the sphere of decision altogether." It seeks, we might say, to turn the person—a subject—into an object, a thing.

Seeing this, we can understand why Thielicke groups torture with the use of a truth serum, which does not inflict pain, but which also attempts to bypass the sphere of decision. His fundamental category is not torture but dehumanization. Temptation and coercion attack—but without bypassing or subverting—the person, and they may sometimes be permitted or, even, required. Torture and truth serum bypass—we might say, "thingify"—the person, taking away "the personal right to decision." But if the human person is a representation of transcendence, it is the transcendent that has then become our target. A Christian "owes to the world," Thielicke writes,

> the public confession that he is one who is committed, "bound," and hence not "capable of [just] anything." If we make ourselves fundamentally unpredictable, i.e., if as Christians we think that torture is at least conceivable—perhaps under the exigencies of an extreme situation—we thereby reduce man to the worth of a convertible means, divest him of the *imago Dei*, and so deny the first commandment. This denial can never be a possible alternative.

In his *Apologia Pro Vita Sua*, John Henry Newman wrote:

> The Catholic Church holds it better for the sun and moon to drop from heaven, for the earth to fail, and for all the many millions on it to die of starvation in extremest agony, as far as temporal affliction goes, than that one soul, I will not say, should be lost, but should commit one single venial sin, should tell one willful untruth, or should steal one poor farthing without excuse.

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I am not certain I want to agree with either Newman or Thielicke; or, at least, I want to think later about distinctions analogous to those raised by Hans Jonas with respect to medical experimentation. It is, however, to say the very least, instructive to find Thielicke, whose brand of Lutheranism always flirts with antinomianism, insisting that, at least in this instance, what we do counts for more than what we accomplish, and insisting upon it in a way as relentlessly demanding as Newman's.

It is important that we acknowledge just how demanding it is—important, that is, to acknowledge the cost of giving moral priority to doing rather than accomplishing. "Saints should always be judged guilty until they are proved innocent," Orwell wrote of Gandhi, and Orwell's own inclination was to think of the saint's demanding standards as, finally, "anti-human." We may disagree with him, but we should be willing to count the cost of doing so.

Thus, while it may be paradoxical to hear former Vice President Cheney now calling for full disclosure of the beneficial results of enhanced interrogation methods used in secret during his tenure in office, he is quite right to do so. If we wish to renounce those tactics, we should estimate as best we can the cost of doing so. Even those who reject all utilitarian calculations should not deny the truth in utilitarianism: namely, that consequences do matter.

Or again, it is far too easy an exercise in cost-counting to say with confidence that torture never works. And there are, in fact, persuasive counterexamples. It worked for the French in Algeria (though it is useful to remember that, in the longer run, they lost that struggle), and it has worked on occasion for Israeli authorities. Probably it would always be hard to predict whether torture would work in a given instance, but that is different from the far less persuasive claim that it never extracts useful or reliable information.

It is those holding political office who must pay special attention to consequences. Indeed, that's why they hold office: to focus on what will, within the limits of their power, secure the well-being of the fellow citizens whom they serve. They may—and sometimes should—authorize us to do what none of us ought to do in our purely private capacities. They may authorize us, that is, to aim to kill those who do injustice or who threaten our life or way of life. It is possible, I know, to argue that what I have called aiming to kill is, in fact, aiming only to defend against or deflect evildoers, and that the death of the enemy is not our aim, but that seems unpersuasive as a description of some of the actions government rightly authorizes. Even more important, it comes close, at least from a religious

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perspective, to losing the point of government altogether.

Government may punish—and even, in certain circumstances, kill—not because it is itself "lord" of life and death, but because it is the authorized agent of the God who is that Lord. But there are always limits on how government should carry out its retributive and punitive purposes. Even in the extreme case of war we see such limits in the firmly entrenched rule (which is moral, and not just legal) that we may not take aim at noncombatants. We might have good reason to target civilians, thinking thereby to break the enemy's will to resist, and the United States has sometimes done this—notably in the bombing of German cities and in the use of the atomic bomb against Japan (not to mention General Sherman's march to the sea). But those actions, however laudable the cause they served and whatever good results they may have accomplished, undermine our sense that war as a human activity should be a test of strength, not of will.

Hence, what a terrorist does is quite different from what a soldier does. The essential feature of the terrorist's action is that it deliberately (and, generally, at random) targets civilians. Terrorists do so simply to instill fear, and, as Michael Walzer has written, "in its modern manifestations, terror is the totalitarian form of war and politics." It recognizes no limits on the violence that can be enacted in a good cause, and it subsumes individuals entirely into their political communities—treating us as if we belonged to those communities to the whole extent of our being.

Our obligations to captured terrorists are not, therefore, quite the same as our obligations to captured soldiers, to whom "benevolent quarantine" is owed. (This is a point about our moral, not our legal, obligations. If the Geneva Conventions do not recognize such a distinction, they miss something of moral importance.) The quarantine of terrorists need not be so benevolent. Indeed, once we begin to think about the difference between a captured soldier and a captured terrorist, we really should be puzzled about what we owe the terrorist.

After all, a captured terrorist may not only have carried out an attack in the past; we may have good reason to believe he is planning an attack still to be carried out in the future. If we caught him in the act of doing it, we could kill him in order to protect his innocent victims. Now that we have caught him before that next act—but have not caught all others engaged with him in planning it—can we do nothing to him to protect the innocents at whom the plans he knows and shares are taking aim? Government authorities may surely prey upon his desires and weaknesses in seeking information from him. Likewise, he may be coerced in a variety of ways, using such coercion to "motivate" him to cooperate. But subjecting him to experiences that simply break his will, that turn him into a thing no longer able to decide (in response to either temptation or coercion) is a different matter entirely.

No rule can precisely tell us when we have crossed the line that separates justified temptation or coercion from actions (whatever we call them) that are not justified. Clearly, the issue is not only infliction of pain. Enforced nudity, not in itself necessarily painful, nonetheless "thingifies" a person. Being slapped, even hard, does not (or so it seems to me). Being forced to sit in one's urine or feces "thingifies" a person. Being forced to listen for long periods of time to loud (and perhaps offensive) music does not, or so it seems to me. None of these should be done to a captured soldier, but perhaps some of them could legitimately be done to this captured terrorist. Part of our problem is that we—as a people—have had as much difficulty sustaining an honest conversation free of posturing about this question as about the question of stem cell research. It may turn out, in fact, that some political leaders now quite vocal in condemning torture were themselves informed about and approved various forms of enhanced interrogation—which, if true, would be contemptible.

If no rule can quite tell us when we have transgressed a line that should not be crossed, that does not mean there is no such line. Still, when that terrorist who has engaged in one assault and knows of another soon to take place, that terrorist whom we might well have shot had we caught him in the act—when he is captured, might our political leaders find it necessary to cross that line?

To return to the stem cell analogy for a moment, suppose that what was needed was not an entire industry devoted to the use and destruction of embryos in an ongoing program of research, but, instead, just three specific embryos. Produce and destroy them, and we position ourselves for continual progress in the war against degenerative diseases. Draw back, and we forgo all such good results. It's a hypothetical with no purchase on reality, of course, but I have often wondered what my answer to it would be.

In theory, my answer ought to be clear. If human beings were simply members of our species, it might sometimes make sense to sacrifice one or another of them for the sake of the species as a whole. But human beings are not just members of the species or parts of a whole. Each human being is a "someone" who belongs to no earthly community to the whole extent of his being. That is why we are not interchangeable. The "value" of one thousand people may be more than that of one, but the thousand are not more than one in personal dignity.

Thus, the answer should be clear. As Hans Jonas observed, society can afford to regard medical progress as optional if the price of such progress is infringing upon the

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"sacrosanctity" of human life. But Jonas also believed there were some things which "in sober truth, a society cannot afford." Writing about medical research, his example was an epidemic raging unchecked. It is not silly to think of terrorist activity—which intends, after all, to undermine all settled social life by returning us to something rather like Hobbes's state of nature—as a political parallel.

Epidemics may, Jonas observed, be acute or chronic. He was writing about medical experimentation, and he seems to mean that in the face of an acute epidemic, a society—in order to survive—might have to conscript research subjects. To do so violates our sense that people should be used as research subjects only with their consent. It transgresses that moral boundary in a time of emergency because, so it seems, society cannot afford not to. It is a boundary I can imagine myself crossing in dire circumstances. The captured terrorist still conspiring (if only through silence) in plans for further, imminent attacks is the political equivalent of an acute epidemic. And those who hold political office may have to step out into a moral no-man's land in deciding what society can or cannot afford in the face of that threat.

Would I authorize that the captured terrorist be slapped around? Yes. Deprived of sleep for a time and disoriented? Yes. Water-boarded once? Now I begin to suspect that it is corrupting to try to answer that question in advance, as if there were a policy we could formulate to protect ourselves in a moral no-man's land. But the answer must, I think, turn on whether doing it once would be more like an attempt at coercion, which is still a test of strength, or whether from the start it would aim to thingify the captured terrorist, trying to bypass altogether his capacity to decide. That brings us, however, to Thielicke's other, very different, example: not the infliction of pain, but the use of truth serum. Would I authorize it in this circumstance? Perhaps again it is corrupting to try to answer that question in advance, but, to the degree one can, I suspect the answer is yes. But, then, why not just three embryos—were that, by hypothesis, all that were needed? In each case wrong, but very little harm, is done.

These questions and reflections have all grown out of Jonas's sense of what a society can or cannot afford in the face of an acute epidemic, which threatens its very ability to survive. Should we, perhaps, question that line of thinking? Why should it not be true of societies as much as individuals that how they live counts for more than how long? Is there anything sacred about the survival of our community—or any community? Surely not.

Saying that does not, however, solve the problem faced by those in political authority. For, even if the continued survival of our society is not the highest moral good, they have been placed in authority precisely to see to the security and well-being of the society they serve. It is, at the very least, as law professor Zachary Calo has noted, paradoxical "to propose that the community perish so that its laws might be upheld." What choice have political leaders in the face of such an acute threat? If they will not or cannot step into the moral no-man's land, they must probably resign—unless large numbers of us insist that they remain in office. But, of course, those who replace them may have fewer scruples and—as in Jesus' story about the house swept free of a demon into which seven yet more evil demons then enter—"the last state of that man becomes worse than the first."

What if we face not an acute but a chronic epidemic? My own sense is that this is quite a different matter, and Jonas was too quick to lump them together. It is one thing—perhaps never to be done and perhaps always wrong—to step into a moral no-man's land in the face of an acute emergency. But if the crisis continues indefinitely, it ceases to be an emergency and becomes everyday life. Not three embryos destroyed just once, but an ongoing industry of embryo-destructive research, with which we make our peace on the ground that we do this in the face of the ongoing crisis of human suffering. We should reject the notion of a "war" against disease; it will turn out to justify transgressing most moral boundaries that present themselves.

And, likewise, we should reject the notion of a "war" on terror. Waterboard that captured terrorist once? Well, I'm not sure we have a rule to cover the question. Water-board him fifty or a hundred times? Surely not. That is no longer a test of strength, but of will. It is emergency as a permanent condition of life and moral no-man's land as settled policy. And it grows out of a deep moral dis-ease. We need to learn again that it is not within our power to make ourselves, our society, or those we love secure. How easily we forget that our society and its way of life are fragile and delicate flowers. They are always at risk.

On October 22, 1939, at the Church of St. Mary the Virgin in Oxford, C.S. Lewis preached at evensong. To anxious undergraduates, many of whom would soon face death, and all of whom must have wondered what they were doing studying mathematics or metaphysics at a time when their nation was in mortal peril, Lewis said:

> If we had foolish unchristian hopes about human culture, they are now shattered. If we thought we were building up a heaven on earth, if we looked for something that would turn the present world from a place of pilgrimage into a permanent city satisfying the soul of man, we are disillusioned, and not a moment too soon.

Life, and our shared way of life, are always fragile and insecure. That is not a crisis; it is human history. And during our share of that history it will always be true that how, rather than how long, we live should be our central concern. ♦

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Eminent Victorian

The story of George Eliot's 'Daniel Deronda'

BY JOSEPH EPSTEIN

Through portraits of a few carefully chosen Victorian figures, and with the aid of a deft prose style, acidic with irony, Lytton Strachey, in *Eminent Victorians*, set out to squelch the Victorians. He mocked Victorian earnestness, debased Victorian energy, and lacerated what he took to be the essential hypocrisy of the Victorians and their pretense to an elevated spirit leading on to good works. The immediate effect, lasting for decades afterwards, was devastating.

Strachey was a central figure in the group of writers and intellectuals known as Bloomsbury, and his attack is understandable. We know, as the cant phrase has it, where he was coming from. The Bloomsbury Group—a name that today sounds suspiciously like a dubious hedge fund—stood opposed to everything the Victorians stood for: earnestness, probity, the struggle with fundamental social, political, and moral problems and issues. The Victorians came at things straight on; the Bloomsbury writers—Virginia Woolf, E.M. Forster, Clive Bell, Strachey, et alia—preferred obliquity.

The Jewish Odyssey of George Eliot
by Gertrude Himmelfarb
Encounter, 250 pp., $25.95

The Victorians had a comprehensive and confident view of human nature; the Bloomsbury writers could only assert, as Woolf contended, that human nature had changed in 1910, though she neglected to say precisely from what to what. The Victorians asserted the need for soundness of thought, high principles, and life considered in the long run; John Maynard Keynes, Bloomsbury's economist, said that in the long run we are all dead, which eased the way for his fellow Bloomsburyites rather joylessly to philander, bugger, and stress personal relations over national destinies. For a long spell, it appeared that Bloomsbury had

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won, making the Victorians seem little more than a roster of prudish neurotics dedicated to nothing grander than sexual repression.

No longer, for today the Victorians have regained their rightful stature, and this owing in great part to the work of the intellectual historian Gertrude Himmelfarb. She is the anti-Lytton Strachey; her work over a long career—her first book, *Lord Acton: A Study of Conscience and Politics*, was published in 1952—has wiped the irony from the Strachey title, and reminded us how genuinely eminent the Victorians were. Darwin, Macaulay, Mill, Dickens, Carlyle, the Brontës, Matthew Arnold, Thackeray, Ruskin, Newman, Trollope, Acton, Tennyson, Browning, Bagehot, Disraeli, Gladstone, the cavalcade of Victorian genius is greater than that of any other period in any other nation in the history of the world. In her several book-length studies of the Victorians and their milieu, Gertrude Himmelfarb has elegantly and incisively set out the nature of the Victorians' achievement, honoring the complexity of their lives and works, reminding us that giants once walked the earth without unduly emphasizing that pygmies—sorry to report that they would be us—do now.

Of all the great Victorians, perhaps none was more complex, unpredictable, and finally astonishing than Mary Ann Evans, better known as George Eliot. When the 26-year-old Henry James visited her in 1869, he wrote to his father that "she is magnificently ugly—deliciously hideous." He added that "in this vast ugliness [which James describes] resides a most powerful beauty which, in a very few minutes steals forth and charms the mind, so that you end, as I ended, in falling in love with her." James wrote of the "great feminine dignity and character in those massively plain features," and concluded by saying that "altogether she has a larger circumference than any woman I have ever seen."

By circumference I take James to mean breadth of understanding, largeness of spirit, depth of sympathy—the qualities possessed by only the greatest of novelists. That George Eliot is among the small company of the world's great novelists is without doubt. She is a central figure in F.R. Leavis's *The Great Tradition*. Her place at the very top rank in Anglophone literature is secure. I'm not sure of her reputation among the French, Italians, or Germans, though some have suggested that *Daniel Deronda* (1876), her last and most complex novel, may be the best German novel ever written in English.

The intellectual background, composition, and critical reception of *Daniel Deronda* is the subject of Gertrude Himmelfarb's *The Jewish Odyssey of George Eliot*. The book is replete with the serious scholarship, intellectual penetration, and good sense that readers have come to expect from Himmelfarb. Her deeper subject is how George Eliot, the daughter of a churchgoing country estate manager in Warwickshire, came to her understanding of the Jews, their condition in the 19th century, their aspirations, their fate in a world historically hostile to them. Among her other remarkable qualities and accomplishments, George Eliot turns out to be among the earliest and most sophisticated of Zionists.

"Eliot was the rare novelist," Himmelfarb writes, "who was also a genuine intellectual, whose most serious ideas found dramatic expression in her novels." Henry James took this point a bit further, putting a critical twist to it, when he averred that "the fault of most of her work is the absence of spontaneity, the excess of reflection; and by her action in 1854 (which seemed superficially to be of the sort that is usually termed reckless), she committed herself to being nothing if not reflective, to cultivation of a kind of compensatory earnestness."

The "action in 1854" was Mary Ann Evans's union with George Henry Lewes, an intellectual journalist then at work on his *Life of Goethe*. She had met Lewes three years earlier. Through legal complication that made him unable to obtain a divorce from his wife, Lewes and Mary Ann Evans went off together to Germany, where she mastered German. Theirs was the closest of relationships, dear and deep, a mating of souls and intellects, heightened by each helping the other in every way possible. Nor had it anything of the air of bohemianism about it, the least tincture of acting in defiance against the norms of society. Instead, their union was the act of two people who adored each other but discovered all conventional means of connection closed off to them. Once united, they never thought of each other as other than husband and wife. She dedicated *The Mill on the Floss* "to my beloved husband, George Henry Lewes."

Lewes it was who encouraged George Eliot (as she later became) to write fiction. Hitherto she had restricted herself to criticism, reviewing chiefly for the *Westminster Review*, of which she was an assistant editor, and doing translations of Feuerbach, Spinoza, and other erudite works. She began writing fiction at the age of 37, and published her first full novel, *Adam Bede* (1859), at 40. From there she went, as the Victorians had it, from strength to strength: writing, to mention her best-known novels, *The Mill on the Floss* (1860), *Silas Marner* (1861), *Romola* (1863), *Felix Holt*, *The Radical* (1866), *Middlemarch* (1871), and *Daniel Deronda* (1876). Lewes supported her in every way—Henry James calls him "the administrator of her success"—a support that ended only with his death in 1878. George Eliot died two years later.

Henry James remarked that the unconventionality of George Eliot's union with G.H. Lewes kept her from moving freely in the society of her time, and thus restricted her opportunities for social observation. He also suggests that Lewes may have turned her interests more in the direction of science and philosophy than was salubrious for the novelist in her. James did allow that she had an "overflow of perception," and after all it was James himself who wrote on the nature of genius in art, in *The Tragic Muse*, that "genius is only the art of getting your experience fast, of stealing it as it were."

Certainly this was true of George Eliot; being a person on whom little was lost, she acquired a great deal from what experience was available to her. But she also, as Himmelfarb notes,

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gained a vast amount from her reading, which was extensive, serious, and as far as possible from desultory. Himmelfarb cites the wide range of writers George Eliot mentions having read in her letters, and when she comes to consider her preparation for writing *Daniel Deronda*, her novel with Jewish characters at its center, provides more detailed information:

> Eliot's notebooks for this period contained excerpts from the Bible and Prophets, the Mishnah and Talmud, Maimonides, medieval rabbis and Kabbalistic works, as well as contemporary German scholars (Moses Mendelssohn, Heinrich Graetz, Moritz Steinschneider, Leopold Zunz, Abraham Geiger, Abraham Berliner, Emmanuel Deutsch), French scholars (Ernest Renan, Jassuda Bedarride, Georges Depping, Salomon Munk), English scholars (Henry Milman, Christian David Ginsburg, Abraham Benisch, David de Solar, Hyam Isaacs), and scores of others.

Himmelfarb remarks on George Eliot's restrained use of all she had learned before creating the intensely Jewish characters in *Daniel Deronda*. Like the true artist she was, she obtained all she needed to know, and deployed her knowledge with precision and artistic tact.

The controversy about *Daniel Deronda* is over just how good a novel it is. Gertrude Himmelfarb thinks it a great novel, among the very greatest. The wide variety of its characters, its high level of penetrating observations, the intricacy of its plot, its delicate but devastating satire, the powerful emotions it evokes, all are of the stuff of a masterpiece. Yet some powerful critics, F.R. Leavis most notable among them, thought *Daniel Deronda* a great half-novel, feeling that the other half—specifically, the parts of the novel featuring its Jewish characters—a distraction that would have been better expunged.

Leavis rated George Eliot among the world's great novelists. He claimed she was not as great as Tolstoy, but "she *is* great, and great in the same way," for "her best work has a Tolstoyan depth and reality." He found, moreover, some of this best work in *Daniel Deronda*. He makes the persuasive point that Henry James is unlikely to have written *The Portrait of a Lady*, without the richer models—richer, that is, than Isabel Archer and Gilbert Osmond—of the characters Gwendolen Harleth and Henleigh Grandcourt from *Daniel Deronda* to draw upon.

George Eliot

But in Leavis's view the novel's Jewish characters—the eponymous hero; Mirah, the young woman he rescues from suicide and later marries; and Mirah's prophetic brother Mordecai, who sees in Daniel a successor who will lead the Jewish people to their historical destiny in the Zion of Palestine—are too ideal, too flat, too cardboard-like in their creation. Leavis's notion was to lop them off, and change the novel's title to *Gwendolen Harleth*, after the chief female character in the novel, the story of whose wretched marriage to the cold-blooded aristocrat Grandcourt runs alongside those of the novel's Jewish characters.

Two plots run concurrently in *Daniel Deronda*. One is the story of Gwendolen Harleth, a great natural beauty, self-absorbed to the highest power, born to a widowed mother without means, who uses the beguilements of her radiant charm to contract a disastrous marriage to a domineering, cold-blooded aristocrat. The other is the story of Daniel Deronda, whose true parentage and Jewish origins are revealed to him late in the novel, a revelation that comes as a gift to a man who has, as another character says of him, "a passion for people who have been pelted." The two plots are elaborately interlaced, with Deronda, raised by the baronet Sir Hugh Mallinger, who is the uncle to Grandcourt, bridging the novel's two worlds, Jewish *déclassé* and English gentry.

Gertrude Himmelfarb argues against F.R. Leavis's notion of decapitating the Jewish portions of the novel, and rightly so, for *Daniel Deronda* would be much diminished without the Jewish element. Deronda's sense of mission as a Jew gives his life a purpose, and the novel itself a meaning, well beyond the story of a mere abortive romance between Gwendolen and Daniel. "The idea that I am possessed with," Deronda tells Gwendolen at their final meeting, "is that of restoring a political existence to my people, making them a nation again, giving them a national centre such as the English have, though they are scattered over the face of the globe." From this sense of mission Deronda derives his stature. "But were not men of ardent zeal and far-seeking hope everywhere exceptional," writes Eliot.

If *Daniel Deronda* has a weakness, it is in George Eliot's lapsing into philo-Semitism. One of the most difficult tests confronting a novelist is the creation of characters who are at once thoroughly good and yet still believable—think of those mawkish young women in Dickens, Little Nell in *The Old Curiosity Shop*,

KATHERINE EASTLAND

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Agnes Wickfield in *David Copperield*, and the rest. George Eliot does not always pass this test. She tends to idealize her three principal Jewish characters. Daniel Deronda, for example, whose altruism borders on beyond the believable, often sounds sententious, if not priggish. Still, the cast of the novel's Jewish characters, from the family of the pawnshop-owning Ezra Cohen to the musician Klesmer (said to be loosely modeled on Franz Liszt) to Deronda's long-lost actress/singer mother, to Mirah's thieving father Lapidoth with his gambling addiction, far from being idealized, are so rich in their variety and various in their richness as to qualify Eliot as a connoisseur of Jewish types. This is all the more extraordinary since her personal acquaintance with Jews was scarcely wide. Emmanuel Deutsch, an assistant in the library at the British Museum, whom Himmelfarb describes in two concise pages, was one Jew whom she did know moderately well and whose Jewish scholarship made a strong impress on her.

Because it is outside her line of inquiry, Gertrude Himmelfarb does not mention the strong strain of feminism running through *Daniel Deronda* (though she does mention that George Eliot was not in favor of female suffrage). How could it be otherwise in a woman who felt she needed to masculinize her name, lest her fiction be passed by as the jottings of merely another trivial woman novelist? George Eliot's feminism is of a superior kind. Gwendolen Harleth's financial problems in the novel, which propel her into her wretched marriage, would not have confronted a man, whose fate would be more firmly lodged in his own hands, and would not have needed to turn to marriage for their solution. And Deronda's mother, when she tells her son that she abandoned him and her Judaism for a career in the theater, is surely partially speaking for George Eliot when she says to her son: "'You are not a woman. You may try—but you can never imagine what it is to have a man's force of genius in you, and yet to suffer the slavery of being a girl.'"

As for George Eliot's penchant for abstraction, complained about by James and others, it takes the form of generalization, commenting, as if from the sidelines, on the action going on in the novel. So Eliot writes that, apropos of Gwendolen's detestation of her husband: "The intensest form of hatred is that rooted in fear, which compels to silence and drives vehemence into a constructive vindictiveness, an imaginary annihilation of the detested object, something like the rites of vengeance with which the persecuted have made a dark vent for their rage, and soothed their suffering into dumbness." Then, neatly gliding back into her narrative, she continues, "Such hidden rites went on in the secrecy of Gwendolen's mind."

Ruminations of this sort—on temperament, on the nature of thinking, on second-sight, on gambling, on a vast deal more—weave in and out of the narrative proper. One of the modern fiction workshop laws is that a writer should always show and never tell; George Eliot did both, and with sufficient success to wipe the law off the books. Tell all you want, the new law should read, so long as you remember to do it brilliantly.

The larger question looming over *Daniel Deronda* is how did George Eliot come to have her profound imaginative sympathy for the Jews. One might think her being a literary artist—a human type supposedly specializing in both imagination and sympathy—would suffice as the answer. But the fact is, if one runs through the names of the great playwrights, poets, and novelists writing in English, beginning with Shakespeare and far from ending with Ernest Hemingway and F. Scott Fitzgerald, one discovers that almost all of them saved a cold place in their hearts for the Jews. The great writers of the Western world have much more often than not joined the brutes, thugs, and tyrants in going along with commonplace prejudice against the Jews.

George Eliot is distinguished in not being among them. Himmelfarb traces out Eliot's views about Jews, from her early, vaguely contemptuous view to her profound understanding of the significance behind Jewish history and religion. Writing about the Jews as she did, Himmelfarb claims, required "audacity" on Eliot's part. And she did not fall into the platitudes of Jewish-Christian Brotherhood Week. In *Daniel Deronda* she didn't write a novel to show that the Jews were a civilized, progressive people, eager for assimilation into ever more enlightened European societies. "Her Jewish question," Himmelfarb writes, "was not the relation of the Jews to the Gentile world, but the relation of the Jews to themselves, to their own people and their own world, the beliefs and traditions that were their history and their legacy."

George Eliot's prescience here, as exhibited in *Daniel Deronda* and elsewhere, is little short of astonishing. She understood the prejudice against the Jews of her day, which is not very different than it is in our own. In an essay titled "The Modern Hep! Hep! Hep!" she characterized this prejudice thus: "A people with oriental sunlight in their blood, yet capable of being everywhere acclimatized, [the Jews] have a force and toughness which enables them to carry off the best prizes; and their wealth is likely to put half the seats in Parliament at their disposal." She understood the mission of every Jew, who

> should be conscious that he is one of a multitude possessing common objects of piety in the immortal achievements and immortal sorrows of ancestors who have transmitted to them a physical and mental type strong enough, eminent enough in faculties, pregnant enough with peculiar promise, to constitute a new beneficent individuality among nations, and, by confuting the traditions of scorn, nobly avenge the wrongs done to their Fathers.

She also understood the necessity of a Jewish nation as a rallying point and political means for the carrying of this mission to completion. In *Daniel Deronda* she puts this vision in the words of Mordecai, the poor Jewish tutor, living on charity, who at the novel's end becomes Daniel Deronda's brother-in-law:

> In the multitudes of the ignorant on three continents who observe our rites and make the confession of the divine Unity, the soul of Judaism is not dead. Revive the organized

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centre: let the unity of Israel which has made the growth and form of its religion be an outward reality. Looking towards a land and a polity, our dispersed people in all the ends of the earth may share the dignity of a national life which has a voice among the peoples of the East and the West—which will plant the wisdom and skill of our race so that it may be, as of old, a medium of transmission and understanding.

The role of the Jews, as George Eliot understood it, and as Himmelfarb underscores, was a combination of separation and communication. They were to remain, through their religion and sense of peoplehood, separate, but always a people with much to communicate to the rest of the world. In a brilliant passage toward the end of *The Jewish Odyssey of George Eliot*, Himmelfarb writes that *Daniel Deronda*, published well before the Holocaust and the founding of Israel, before the Dreyfus Affair and the pogroms in Eastern Europe, "reminds us that Israel is not merely a refuge for desperate people, that the history of Judaism is more than the bitter annals of persecution and catastrophe, and that Jews are not only, certainly not essentially, victims, survivors, martyrs, or even an abused or disaffected people." George Eliot's great prescient point is that, as Himmelfarb notes, it was not anti-Semitism but "Judaism, the religion and the people, that created the Jew. And it was Judaism that created the Jewish state, the culmination of a proud and enduring faith that defined the Jewish 'nation,' uniting Jews even as they were, and as they remain, physically dispersed."

That George Eliot, who was herself neither Jewish nor ever thought of becoming Jewish, understood so well and sympathized so completely with Jewish aspirations, that she grasped the Jews' true historical destiny, that in many ways she came to know the Jews better than they knew themselves, is a tribute to a great writer. Gertrude Himmelfarb's splendid book, lucidly setting out George Eliot's accomplishment in this richest of her novels, reminds us that the powers of imagination and sympathy, in the hands of a true artist, are limitless. ♦

'Deathless Fame'

How the British view America's first naval hero.

BY JOSEPH F. CALLO

In 1775, John Paul Jones volunteered for a navy that began with eight converted merchant ships. He then went on to fight with effect against the best equipped, best trained, and best led navy of his time. Some called him a hero for what he accomplished. His enemies called him a renegade, traitor, rogue, and villain, treating him with the special disdain reserved for unworthy opponents.

John Paul Jones
Maverick Hero
by Frank Walker
Casemate, 278 pp., $32.95

In his introduction to this new assessment of Jones, Frank Walker, who is British, recognizes those two widely disparate views and maintains a balanced position. He also identifies his objective: "I hope that by looking at events from a different viewpoint I have been able to furnish some fresh and valid insights into the man."

While evenhanded, Walker's viewpoint remains distinctly British, and that special perspective translates into an ongoing focus on whether or not Jones was a professional naval officer rather than on broader issues. The author's particular perspective also results in more attention to local details of key events than most studies of Jones.

Walker picks up his story with the dramatic return of Jones's remains to the United States in 1905 and his exploits as captain of the Continental Ship *Ranger* in 1778. That beginning jumps past the particulars of a number of profoundly formative events, such as Jones's childhood upbringing during the early 18th century's Scottish Enlightenment, his career in Britain's merchant marine, and his successful commerce raiding in the Continental Navy's sloop-of-war *Providence* in 1776.

Jones's deployment into the Irish Sea in *Ranger* in 1778 surely was a pivotal point in his career and in the American Revolution, however, and Walker devotes approximately a third of his total text to that connected sequence of three events. In the course of those 80-plus pages, he provides extensive background for the actions. (That background is further enhanced by a 32-page gallery of photos and illustrations.)

Two of the events connected with Jones's exploits in the Irish Sea were planned by him. The planned actions included an amphibious assault against the English port of Whitehaven and the kidnapping of an English nobleman, Lord Selkirk, from his home on St. Mary's Island.

In Walker's coverage of these events there are comprehensive descriptions of the local populace and the physical setting in which the actions took place. For example, there are three pages devoted to the question of how many and what kind of cannons were involved in Whitehaven's defenses. The third event in Jones's Irish Sea deployment involved chance: a single-ship engagement between *Ranger* and a British warship of comparable size, HMS *Drake*. Again, Walker puts heavy emphasis on the details, and particularly on Jones's problems with his crew, but his conclusion is concise: "The victory was well deserved and it was in fact the very first time that a British warship had been defeated by one flying the stars and stripes of the United States of America."

As described here, those three events in the Irish Sea illuminate themes that

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are particularly important in evaluating Jones's significance as a historic figure. The first involves the ongoing tensions between Jones and his crew in *Ranger*, which was constantly on the edge of mutiny. Jones's difficulties with his crew were a striking example of the variety of daunting noncombat challenges that ran through his astonishing career, and that he overcame against long odds.

The second theme in the description of Jones's deployment in the Irish Sea involves the author's continuing attention to the sharply contrasting view of Jones as a commissioned officer in the Continental Navy and the assertively negative British view of him as a privateer—or worse, a pirate.

USS Bonhomme Richard *vs. HMS* Serapis *off Flamborough Head, 1779*

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The third theme involves the psychological impact of Jones's activities in *Ranger* on British public opinion, the Admiralty, and in Whitehall generally. In this instance, the book's narrative benefits from the inclusion of a number of British newspaper accounts of Jones's attack on Whitehaven.

Among the conclusions to be drawn from Walker's analysis of Jones's *Ranger* deployment are that Jones was able to overcome a lot more than the challenges of combat in the course of his career, and based on his conduct, he also clearly deserves to be defined as a professional naval officer.

Arguably more important, but not explored, is the conclusion that Jones's attacks in *Ranger* against the British Isles had a strategic effect on the American Revolution that went beyond the victory of one relatively small Continental Navy ship over a comparable Royal Navy vessel. Those attacks enabled Jones to get inside the British military decision cycle, an achievement of inestimable value to the American cause in their War of Independence, and a point consistently missed by many analyses of Jones's career.

Walker's link between Jones's deployment in *Ranger* and its follow-up attack with a stronger force is established with a chapter describing Jones's efforts in France to secure a more powerful ship for a more telling blow against the British homeland. It was during those efforts with his French benefactors that Jones wrote one of his most character-revealing lines: "I wish to have no connection with any ship that does not sail fast, for I intend to go in harm's way."

Once again, the formidable noncombat problems that Jones had to overcome to pursue his implausible career are in evidence, as are speculations by Walker about the possible financial motivations driving the French, Jones, and his American civilian supervisors in Paris.

Towards the end of his chapter on Jones's efforts to mount a second attack against Britain's home shores, Walker has it right when he describes Jones's departure in 1779 in the Continental Navy Ship *Bonhomme Richard* and a mixed squadron of American and French ships. Alluding to a just-failed French invasion of England, he writes: "They were quite unaware, that far from being a mere sideshow, the enterprise upon which they had just set out would in the end turn into the main event."

Jones's orders from Benjamin Franklin were quite liberal, the best kind for an aggressive naval officer, and he took his small squadron up the Atlantic coast of Ireland, over the north tip of Scotland, and then down the Yorkshire coast, attacking British commerce along the way. In a reprise of his mission in *Ranger*, he roiled the countryside by his presence, and despite the fact that his plans for major attacks against Leith, Edinburgh, and Newcastle were thwarted by circumstances.

In another similarity with his *Ranger* deployment, Jones experienced ongoing command problems. But this time the problems were not with the crew of his own ship but with the other captains in his squadron, particularly Pierre Landais in the American frigate *Alliance*. In this instance, as Walker points out, Jones's command problems were precipitated by an agreement, forced on him by his French benefactors, which

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authorized his captains to ignore any orders from Jones that they felt were not in their individual interest! That was a guarantee for discord throughout Jones's entire deployment in *Bonhomme Richard*, and there were times when his deployment could well have foundered on that discord.

Still, the most significant parallel between Jones's mission in *Bonhomme Richard* and his previous attack against the British Isles was that it ended with a single-ship action. In the latter case, the battle was between Jones in *Bonhomme Richard* and the experienced British captain Richard Pearson in HMS *Serapis*. That action took place off Flamborough Head, not far from the port of Scarborough, and once again, the result was a decisive victory for Jones and the capture of his adversary.

The action was immortalized by Jones's improbable response when asked if he had struck his colors—"I have not yet begun to fight"—and this time the battle's outcome resonated, and not just in the American colonies and in Britain, but in the capitals of Europe as well.

After Jones's victory off Flamborough Head and the 1783 Treaty of Paris, the new United States entered a period when it actually had no navy at all. At that point Jones entered the navy of Catherine the Great as a rear admiral and led a Russian fleet to victory over a Turkish force at the Battle of the Liman in 1788.

In the end, Jones wound up back in France, where he had earlier become a celebrity of considerable magnitude. At that point, however, he was yesterday's hero, and he died alone in a modest rented apartment in Paris in 1792, was buried in a small cemetery outside the Paris city limits, and was forgotten for more than a century.

Notwithstanding this somewhat abridged view of the life of the man Theodore Roosevelt described as having earned "deathless fame," *John Paul Jones: Maverick Hero* deserves a place on the shelf of anyone with more than a passing interest in the Revolutionary War, and in particular, anyone interested in the British perspective on the Continental Navy's best-known naval hero. ♦

Barth Is Back

Behind the gates of a gated community with a modern master. **BY SHAWN MACOMBER**

During a 1960 lecture at Hiram College John Barth playfully pondered the novelist's "immodest and subversive resemblance to God." Nearly a half-century on, the Supreme Being incarnated *via* Barth's pen appears to be suffering fatigue—and not simply because, at 176 pages, the cosmos of His new collection of interrelated stories, *The Development*, is rather puny compared with the sprawling galaxies of much-heralded Barth tomes such as *The Sot-Weed Factor* (1960, 768 pp.) or *Giles Goat-Boy* (1966, 710 pp.).

The Development
by John Barth
Houghton Mifflin Harcourt, 176 pp., $23

No, the diagnosis has less to do with the number of bookshelf inches the tome occupies than with the divine delegation between the book's covers—extraordinarily lavish, even for a self-referential metafictionist like Barth.

Consider, for example, the following climax from an otherwise engrossing tale in *The Development* (spoilers redacted) in which a sexually aggressive undergrad simultaneously intrigues and scares the hell out of her English professor, a man past his artistic prime:

> Should [main character] now commit his maiden adultery, so to speak, by humping one of his not-quite-ex students—at her initiative, to be sure, but still . . . —thereby blighting both his long happy marriage and his academic retirement, disgusting his colleagues and grown-up children, but perhaps reactivating (for what they're worth) his so-long-quiescent creative energies? And if so, so what? Or ought we to have the guy come to his moral senses (if necessary, since we've seen thus far no incontestable sign of his being *seriously* tempted by [redacted]'s flagrances) and not only decline her seductive overtures but terminate altogether their somewhat sicko connection, make a clean breast of it to his faithful, so-patient [redacted] before that breast gets irrevocably soiled, and content himself with his writerly Failed-Old-Farthood and his inarguably good works as teacher and coach of future FOFs? But again: If so, so what? Or could/should it turn out to be at least possibly the case that *nothing thus far here narrated has been the* (actual, nonfictive) *case*? And if so . . . ? "Well, of course it hasn't been, dumdum!" he imagines his frisky new sex mate teasing. . . .

It is, granted, a cute question-mark ending: Was the chapter the student's cheeky, flirty academic submission? Maybe the fruits of the professor's reinvigorated muse? The meanderings of an altogether unknown third party? Who knows?

Even so, abrupt cleverness is doubtless an infinitely less strenuous authorial task than untangling the complicated knot of emotions and human relations the previous pages were spent tying, perhaps leaving some who sat down to read a book rather than help plot one asking, *Hey, where's my cut of the advance?* Such cranky readers have only seen the beginning of Barth's revolt, the increased boldness of which is exemplified in this paragraph from another of *The Development*'s stories:

> You see how it is with us storytellers—with some of us anyhow, especially the Old Fart variety, whereof Yours Truly is a member of some standing. Our problem, see, is that we invent people like the Barnses, do our best to make them reasonably

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> believable and even simpatico, follow the rules of Story by putting them in a high stakes situation—and then get to feeling more responsibility to *them* than to you, the reader…instead of ending their teardown take for better or worse (sorry about that, guys), we pull its narrative plug before somebody gets hurt.

However hopelessly lowbrow it may be by modern standards to lust after even a sliver of narrative closure, becoming invested in a "reasonably believable . . . high stages situation" only to have its "narrative plug" preemptively pulled is a frustrating literary tease, akin to an otherwise amusing friend developing an unfortunate fondness for prank answering machine messages. ("Hello? Um . . . hello!? Who is this?! Ha! Not here! Leave a message.")

Nevertheless, leave aside its moments of determined apex-aversion and paradoxically predictable fourth-wall-breaking gimmicks, none of which rises to the standard set by Barth's own colossal Sixties and Seventies imaginative freak-outs, and there remains much to be admired in *The Development*: Watching Barth drive a sardonic (metaphorical) steamroller over Baby Boomer bourgeoisie, flattening the grand presumptiveness of their convenient moral posturing with mischievous and incisive (but not cruel) wit as crackling, manic prose pours out the exhaust pipe, is a delicious (if slightly diabolic) treat.

The setting is Heron Bay Estates, a "well-planned and 'ecologically sensitive'" gated community on Maryland's Eastern Shore—the same locale Barth trekked to with Ebenezer Cooke in *The Sot-Weed Factor*—settled by "upper-middle-incomers" approximately "halfway between their busy professional peak and their approaching retirement." They live comfortable lives in homes just nice enough to allow them to continue to scoff indignantly at neighbors in "McMansions." They are great reciters of the shibboleths of our time; so tirelessly assiduous in chanting the proper mantras, in fact, that substance and living-by-example become a bridge-too-far. (See the chapter "Progressive Dinner.")

Even so, the semi-free-spirited, carefully regulated pinnacle of good and proper living they've long collectively congratulated themselves on scaling and maintaining is becoming unbalanced by a growing sense of mortality—perhaps best exemplified by the husband who assures his wife he's prepared to engage the neighborhood toga party with good humor, then immediately returns to Googling "life expectancy" and brooding over how many Septembers he might reasonably expect to have left.

Against this backdrop Barth lulls readers into complacency not dissimilar to that of Heron Bay Estates' residents—and then, wielding plot twists like Thor's hammer, gleefully shatters

John Barth, 1966

ALEX GOTFRYD / CORBIS

the idyll. Community concern over a Peeping Tom who may or may not actually exist slowly evolves into a green light for "victims" to surreptitiously engage in exhibitionism, voyeurism, and chest-thumping, testosterone-addled defending-the-cave-ism. (One resident believes the Peeping Tom "might *embody*, *represent*, whatever—a projection of our own fears, needs, desires" so fully he could be "like God," presumably making Barth a suspect.)

A couple's witnessing of a horrific public suicide attempt inspires them to commit suicide hours later. So desperate is their desire to avoid "the crappy last lap" of an already "good life together," the couple is unfazed by their own self-consciously acknowledged narcissism:

> "Okay, so we're dumping on the kids, leaving them to take the hit and clean up the mess," the husband muses. "So what?"
>
> "They'll never forgive us," the wife responds. "But you're right. So what?"

This response, recall, is the same as the aforementioned professor-narrator, yet *So what?* is nothing new for Barth. Indeed, the ambivalent nihilism of the slouching toward geriatrics set in *The Development* is the author coming full circle: "Night-Sea Journey," the opening story of Barth's 1968 short story collection *Lost in the Funhouse*, details the existential crisis of a sperm on a mission to "transmit the heritage." ("If I have yet to join the hosts of the suicides, it is because (fatigue apart) I find it no meaning fuller to drown myself than to go on swimming.")

Todd Andrews, the protagonist of *The Floating Opera* (1957), opts with "unenthusiastic excitement" to blow himself up along with 699 of his neighbors on a showboat, after embarking upon a rather long, philosophically jumbled chain of reasoning that leads him to conclude, "unless a man subscribes to some religion that doesn't allow it, the question of whether or not to commit suicide is the first question he has to answer before he can work things out for himself."

Like a few future residents of *The Development*, he decides sure, maybe he and his oblivious neighbors could work things out, but . . . *So what?* When the plan for mass immolation disintegrates, Andrews can't be bothered to reassemble it because, "There's no final reason for living (or for suicide)." Sorry, Hallmark, the phrase is already copyrighted.

Barth labeled Jacob Horner, the main character of his next novel, *The End of the Road* (1958), a "walking ontological vacuum." As Horner prepares to withdraw from modern society, listless and psychologically adrift after a traumatizing (not to mention deadly) dalliance with a philosophically pure yet *very* ethically challenged upper-middle-class married couple, he muses, "The greatest rebel is the man who wouldn't change society

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for anything in the world."

Soon after *The End of the Road*, Barth cast his lot in with the metafictionists and magical realists. He, for instance, summarized his wonderfully skewed fourth novel, *Giles Goat-Boy* (1966), as a tale of "a young man sired by a giant computer upon a hapless but compliant librarian and raised in the experimental goat-barns of a universal university" who eventually comes to terms with "both his goathood and his humanhood (not to mention his machinehood)."

Yet it is clear that Barth never entirely lost his fascination with the subject matter of his early work: *The Development* resembles nothing so much as the culmination of the rebellion Horner exalts.

The inhabitants of Heron Bay Estates do not respond to fears of societal ostracization by, say, robbing a bank, *à la* George Burns and Art Carney in *Going in Style*, or ostentatiously checking off boxes on a grand "bucket list." Neither do they begin a twilight struggle against class/age expectations or social mores, for better *or* worse, despite their quiet desperation. We see little evidence of an Ethan Hawley/*Winter of Our Discontent*-esque adoption of the "laws of controlled savagery" to wreak generational revenge.

Rather, the Heron Bay Estaters strive to keep up appearances and maintain a dedication to the overall societal stasis even while behaving subversively. Those who cannot assimilate life as the sitting duck prey of *natural causes* or *assisted living* remove themselves from the equation, permanently. They are, truly, the rebels who wouldn't change society for anything—a fact Barth sets out to prove by testing his characters with ever more surreal, hilarious, bizarre, and extreme situations.

Alas, they apparently do not off themselves quickly enough for Godhead Barth, who in the final chapter unleashes an "F3-plus hurricane" on Heron Bay Estates, leaving the settlement "totally flattened in fewer than two dozen minutes." Amidst the wreckage, the survivors gather to vent their frustration at what fate has wrought upon them.

"If we're going to bring Gee-dash-Dee into this meeting," one female character rails, "then before we thank Him-slash-Her, at least let's ask Her-slash-Him to explain why He/She killed George and Carol Walsh and wrecked all our houses, okay?"

From your lips to Who Knows's ears, lady, but if past really is prologue in Barth's universe, a better question may be, "Well, are you sure He-dash-She *actually did*?" ♦

My Moveable Feast

Gastro-tourism in Paris.

BY SARA LODGE

Most people include eating well among the delights of a short stay in Paris. But few consider that, as well as fond memories of melting soufflés and crisp croissants, they could acquire the skill to make them at home. In fact, even if you have only a few hours to spare in the culinary capital of Europe, you can take a cooking class that will add *ooh-la-la* to your repertoire for years to come.

Alone, curious, and willing for a change to spend my holiday chopping and plucking, I tried four. The simplest and easiest to book at short notice was at the Atelier des Chefs. The Atelier concept, which has been so successful that it has spread from Paris to London and Madrid, is that professional chefs take a few hours out from restaurant cooking to teach recipes to the general public.

The manager explained: "Even in France, people have forgotten how to cook. We wanted to remind them. No fuss, no long-term commitment, just practical skills." Office workers on their lunch break can learn to prepare a dish in hands-on fashion, then sit, eat, and go, all within one hour. For those with a little more time, there are also two-course and three-course menus. The garage-size kitchen on Rue de Penthièvre is equipped to restaurant standards, with stainless steel counters and skylights; the lesson is informal, practical and sociable, with up to 16 participants.

During my one-hour visit, we made basil-wrapped prawns in pastry on a bed of celeriac, carrot, and zucchini that had been lightly braised in wine. It was a straightforward recipe and I have made it again since. At 15 euros for a lesson and lunch, the Atelier represents better value than some Parisian bistros, and I'd readily go again, although there was no English translator, so those without basic French depend on simply copying the chef (no big deal, since that's essentially what happens anyway).

An adjacent gastro-shop offers a variety of mouthwatering delicacies, gadgets, and books. I was especially tempted by *La Magie du Whip*—not, sadly, the Marquis de Sade's lost recipe book, but a guide to making mousses.

If dinner-party cooking fit for the *haute bourgeoisie* is the style to which you aspire, then you can try Paule Caillat's Promenades Gourmandes. A bilingual doyenne of the Marais district, Paule will first take you shopping and then invite you up to her sleek and sizable apartment to cook a three-course lunch. By prior negotiation, we made a three-cheese soufflé, green salad, trout with a lemon, orange, and grapefruit sauce, and *tarte au chocolat*. There was also a wel-

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come pause during the lesson for a glass of wine and a tasting of various French regional cheeses from the local market.

A French outdoor market is to a supermarket as sex is to chastity. In a supermarket, you can't feel the food. Everything is a bit chilly and nobody makes eye contact. Parisian food markets, *au contraire*, are an erotic rush of color and fleshly fragrances. There are lettuces so fabulously frilly you want to wear them. Squeeze the eggplants and they squeak. Cheese stalls are like jewelry boxes, with tiny *chevres* wrapped in vine leaves, toffee-rinded mimolette, marbled roqueforts and pungent gruyères just waiting for you to taste a fragment and roll your eyes with pleasure.

The taut and creamy bulbs of garlic, veined pink and purple, are as lovely as the buttocks of a Botticelli nymph. One good reason to choose Promenades Gourmandes is that Paule will lead you through the hidden market behind Rue de Bretagne, introducing you to the vendors of Moroccan delicacies, the best greengrocers and cheesemongers and the hottest spice merchant on the block. The results of our morning's work were delicious, but I had to swallow hard to stomach the 250 euro price. Still, if you are a home cook looking to raise your game, this is a very enjoyable and comfortable class with which to occupy the hours between nine and three.

If you hanker to attain the dizzier heights of professional haute cuisine, then you can sign up for a class at the Ecole de Cuisine d'Alain Ducasse.

Getting to this cookery school is a bit like arranging a meeting with a Mafia boss. You have to stand outside a certain boulangerie on a certain street to the north of the 2nd District. At 8 A.M., a people-carrier with tinted windows driven by a nervous young man in a suit will collect you and whisk you through Paris's industrial suburbs to an anonymous building in Argenteuil. You descend some stairs—sign away 200 euros—and then meet a serious man with a very sharp knife. Happily, this gastronomic Godfather only wants to make you an entrée you can't refuse.

We made salted cod cooked in milk, with black truffles and herb salad, followed by Veal Orloff. The cod dish was one of the best things I've ever eaten. In the process of preparing it, I also learned how to chop. All my life, apparently, I'd been guillotining my food; what I needed to do, instead, was hold the knife securely between thumb and forefinger and let the weight of it do the work, sliding the blade backwards like an ice-skate.

For the first time, I had a whole black truffle in my hand. The size of a walnut, wrinkled and leathery like something excavated from a peat bog. I shaved off thin petals of it with a Japanese mandoline and arranged them between the flakes of cod. Beside some lightly boiled potatoes, we arranged herbs that had been kept in iced water, carefully selecting only the smallest, most tender leaves: flat-leaf parsley, chervil, tarragon, chives. I drizzled a dressing of olive oil, anchovy, and caper, infused with a little truffle juice over the dish and sat down to eat.

Sensational.

The most fun I had cooking in Paris, however, was with a Franco-American called Theresa Murphy. She runs La Cucina di Terresa, which specializes in vegetarian, organic cuisine and where lessons cost 150 euros each. If Meryl Streep had gone in for cooking, this is what her classes would have been like: witty, offbeat, with a variety of accents.

We met in the organic market in St. Germain and then rode the free bicycles which the mayor of Paris has handily parked at stands throughout the city center, to Theresa's tiny apartment near Bastille. There we made eggplant and fig risotto, peppero-nata, poppy seed crackers with fresh goat's cheese and blackberry preserve, and a chestnut flour cake with lemon pepper marmalade.

I can still see the deep rose color of the figs, roasted in wine, when they emerged from the oven. Cicero, Theresa's cat, tried to assist in making the crackers; we drank wine and swapped stories of travel, family, and food. We laughed a lot.

When you teach someone to cook, you communicate your philosophy of life. I left Paris with a variety of tidbits that will stock my mental cupboards for years. I learned about the tao of dough and why kneading is meditative. I learned, in the course of attempting a Béchamel sauce, what makes the perfect *mariage*. (The answer is butter—unsalted, unstinting, the very best you can afford.)

Perhaps most vitally, I came away with an enduring appreciation for the French attitude to eating. In the Anglo-Saxon world, dining is too often a disagreeable necessity rendered bearable by speed, pragmatism, and ketchup. In France, dining is what you do in order to get to heaven.

All these cookery classes in Paris last less than a day and can be booked online before you arrive. One would make a good present for a food-loving family member—or, indeed, for yourself. If you are still searching for a culinary soulmate, there is even a class designed to help you find a dish who will make your day. The Atelier de Fred specialises in cooking classes for lonesome singles. You can wiggle your whisk and invite fellow chefs to lick your spoon, while innocently mastering new recipes.

I haven't yet tried Fred's class myself. But if my *tarte au chocolat* fails to lower defenses among the bachelors of my acquaintance, I shall be back. ♦

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Rhyme Report

Less than gladsome tidings from the literary front.

BY PHILIP TERZIAN

The next time someone complains that poetry is never in the news, it might be worth reminding them to be careful what they wish for. Poetry has been in the news lately, and the news has not been uniformly glorious.

Britain, for example, now has a new poet laureate—Carol Ann Duffy—to succeed the retiring Andrew Motion. Duffy is a poet and playwright of distinction, but the main fact about her that beguiles the press is that she is not just the first female poet laureate, but a lesbian as well. Not that there's anything wrong with that—indeed, we are living in a literary moment when both Britain's poet laureate and the poet laureate of the United States (Kay Ryan) happen to be lesbians—but Duffy's poetry is not preoccupied with her sexual life, so why dwell on the subject?

Ruth Padel

Well, perhaps because, prior to her appointment, the principal topic in the British media on the vacancy was the nature of the job itself. There was much discussion of whether such an arcane sinecure is really necessary in the modern world—of course it isn't, but you could have just as easily made that argument 200 years ago—and a distressing number of eligible poets and poetasters lined up to announce publicly that they were *not* interested in being poet laureate.

Among whom, once upon a time, was Carol Ann Duffy herself, who seems to have been on the short list to succeed Ted Hughes in 1999 but declared afterward that she would not have accepted the post, if offered, since "I will not write a poem for [Prince] Edward and Sophie. No self-respecting poet should have to."

Now that Edward and Sophie are safely married, she has evidently changed her mind and can settle down to the occasional commemorative couplet or civic sonnet and the traditional emolument of "a butt of sack"—roughly the equivalent of 600 bottles of sherry. Nice work if you can get it.

Meanwhile, from a little further up the Thames, comes news that Ruth Padel, another poet of distinction who had just been elected professor of poetry at Oxford, has been compelled to resign her post after it was revealed in two London newspapers that she had secretly campaigned against her principal rival, the Caribbean poet-playwright Derek Walcott. Padel seems to have sent some email messages to interested journalists questioning Walcott's fitness for the task—he's nearly 80 and doesn't live in England—and directing them to a book, *The Lecherous Professor*, which accuses Walcott of sexual harassment.

I'm not quite sure where I come down in this urgent matter. The chair in poetry at Oxford is one of those *sui generis* British institutions that explain, as the saying goes, why academic politics are so vicious because the stakes are so low. It is not really a faculty position but an invitation to deliver three lectures, and involves not an appointment by the university but an election in which only the holders of Oxford degrees are eligible to cast ballots. You can imagine the interest this sort of thing generates among Britain's chattering classes—many of whom, of course, possess Oxford degrees.

On the one hand, Ruth Padel's crime seems awfully trivial to me. If reporters asked her to evaluate her main rival, she was perfectly entitled to raise legitimate concerns; and the idea that she was secretly spreading sexual harassment allegations about Derek Walcott is laughable. If there is one fact that everybody in the lit biz "knows" about Walcott, winner of the 1992 Nobel Prize, it is that his career has been periodically blighted by allegations of sexual harassment, which ended his association with Harvard and Boston University. His fanny-pinching reputation also forced him to withdraw from consideration as professor of poetry, allowing him to issue a statement complaining about the "low tactics [that] have been used. . . . I do not want to get into a race for a post where it causes embarrassment to those who have chosen to support me or to myself."

On the other hand, as more than a few observers have pointed out, judging writers by such standards hurls us down a slippery slope. When considering candidates for a lectureship in poetry, it is probably well to remember that writers are, generally speaking, unconventional people, with all manner of personality quirks and character flaws—and in some cases, expressing opinions—that would swiftly disqualify them in other circumstances.

Curiously, the Padel case reminds me of poor John Sasso, Michael Dukakis's presidential campaign manager 20 years ago, who was also compelled to resign in disgrace because he had pointed out (privately, to reporters) that Dukakis's rival, Joseph Biden, was a serial plagiarist.

As with Ruth Padel, I'm not quite sure what disgraced John Sasso and left Biden the injured party. For that matter, I'd rather Derek Walcott were vice president. ♦

ASSOCIATED PRESS

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Pixar Piety

Down the 'Up' staircase, from magic to boredom.

BY JOHN PODHORETZ

Here is what you will hear about the new Pixar-animated movie *Up*.

You will hear that it is a work of magical whimsy, which it is. You will hear that it is entirely original, which it is, and extraordinarily imaginative, which it is. You will hear that it is immensely affecting, which it is, as my occasional whimpers and momentary sobs would have told you if you had been sitting next to me.

Up
Directed by Pete Docter

Here's what you won't hear about *Up*: It is, for long stretches, very boring.

This very slight story of an old man who attaches thousands of balloons to his house and floats it to South America (with a little stowaway in tow) is desperately underpopulated. For long stretches, we are in the company of a quiet senior citizen, a tiresome eight-year-old, a colorful bird that squawks, and a talking dog, all of whom are traveling slowly across a mountaintop plateau. The visuals are ravishing, but there really isn't much going on, and when the plot finally kicks in, it's both excessively wild and uninvolving.

There's no reason for the scant number of people and animals on display, or for the static quality of the imagery. The great thing about animated pictures is that they dispense with performers, who are costly and have opinions of their own about the characters they play and the actions they take. The only limit on an animated director is his own imagination and the number of gigabytes on his hard drive. Past Pixar films have kept themselves very busy; if the characters in the foreground aren't doing much, there's plenty of action in the background to sustain the sense that we are in a living, breathing, three-dimensional world.

Up is perversely barren. Having chosen to set the movie near a South American jungle, director Pete Docter and writer Bob Peterson seem determined not to take too much advantage of their picturesque setting. Docter's previous film as director was Pixar's masterpiece, *Monsters, Inc.*, an almost perfect blend of comedy, emotion, imagination, and thrills. Here, Docter seems intent on making something contemplative, a movie about age and dying and abandonment and the search for meaning, and doesn't want us distracted by anything too cute or amusing.

He is certain to be universally praised for the purity of his work here, in large measure because *Up* isn't like any other movie you've ever seen and people who see hundreds of movies every year are hurled into a wonderland of delight when they see something new. There's another reason it will be celebrated, and that is because there is an unwritten but very potent law requiring that it be praised to the skies no matter how a critic secretly feels about it.

The fact is that you won't hear anyone say *Up* is boring because it would be, well, improper to say it—just as you never heard anybody say its Pixar predecessor, *Wall-E*, completely ran out of steam in its disastrous second half, even though everybody knew it did. A cultural orthodoxy has been imposed on us, according to which it is impermissible to criticize a Pixar film.

Pixar, the cartoon maker whose 10 feature films since 1995 have set a new standard for the animated film, has now become an Object of Cultural Piety (OCP), which is simultaneously one of the deadliest and most potent forces known to man. Once someone or something becomes an OCP, it must be the subject of veneration.

I recall when Steven Spielberg, a director of commercial genius with storytelling weaknesses, was turned overnight into an OCP with the release of his Holocaust film *Schindler's List*. I was at a Broadway show soon afterward when he walked down the aisle with his wife, Kate Capshaw, to take his seat, and the 1,400 people in attendance at the Palace Theater gave him a five-minute standing ovation.

Such was his unassailable OCP authority that even the release of his sequel to *Jurassic Park*, a dinosaurs-in-San Diego stinkeroo called *The Lost World*, was treated with reverence. And when Spielberg paid obeisance to the Greatest Generation with his problematic *Saving Private Ryan* the following year, it almost seemed as though the legions of photographers snapping his picture were catching a glimpse of an OCP halo over his nobly graying pate. Spielberg hasn't made even a halfway decent movie since, and his fourth *Indiana Jones* movie was so lousy it began dawning on people that he might well have lost his creative spark entirely.

That is the danger built into becoming an OCP. It is an enviable accomplishment. It brings awards and praise and cash, and ensures you a place in the American Pantheon. But it almost always happens just after you have hit your peak and are on the way down. Critics may have dubbed *Wall-E* Pixar's greatest work, but there is no chance it will be remembered as fondly, or thought of with affection as deeply, as *Toy Story* or *Finding Nemo* or even *Cars*, which is the least of them but does manage to burrow itself into a child's consciousness and won't let go.

I like *Up* more than *Wall-E*, and thought its opening 20 minutes and closing 20 were really something special. But if this is the way Pixar is going, in another few years the sight of that little jumping table lamp at the beginning of a film is going to trigger a yawn, not a burst of excitement. ♦

John Podhoretz, editor of Commentary, *is* THE WEEKLY STANDARD*'s movie critic.*

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"In between his globe-trotting philanthropy, speech making and legacy burnishing, Clinton is a regular at crafts stores around the world and can tell you the best ones in Hong Kong or Arusha. 'They're a great thing,' he said. 'If all of your staff are women and all of your family are women, you just buy what you like and bring them home and then figure out who to give them to.'" **—New York Times Magazine, *May 31, 2009***

expressing grave concern. A12

Rushmore Push for Obama A18

teens having sex—but safely and wi
the knowledge of their parents. B14

GOP a 'Dead Brand?' C9

Corrections

MAGAZINE

An article in Sunday's *New York Times Magazine,* entitled "The Mellowing of William Jefferson Clinton," mistakenly referred to former President Bill Clinton as "a regular at crafts stores around the world and [someone who] can tell you the best ones in Hong Kong or Arusha." The former commander in chief is, in fact, "a regular at women's apparel sections of department stores and lingerie shops around the world and can tell you the best ones in Hong Kong or Arusha, as well as in Paris, Amsterdam, Negril, and Bangkok." The president also occasionally shops at Spencer's Gifts.

The author states that Mr. Clinton "spotted a turquoise bracelet" and noted that "'Hillary likes turquoise.'" We are informed by Secretary of State Hillary Clinton that she in fact hates the color turquoise and that she never received a turquoise bracelet as a gift from Peru. She did, however, receive from her husband a gray sweatshirt with the words "I ♥ NY" and the price tag still attached to it. The sweatshirt was purchased at a store inside LaGuardia Airport. On the same page, Mr. Clinton was quoted as saying, "'If all of your staff are women and all of your family are women, you just buy what you like and bring them home and then figure out who to give them to.'" As of yesterday, more than half the females on Mr. Clinton's staff, mostly recent college graduates, were let go. In the following paragraph, it is mentioned that Mr. Clinton "selected [a shoulder bag] he thought would be great for his friend Frank Giustra, the Canadian mining mogul, to give to Giustra's girlfriend." Mr. Clinton did not in fact give the shoulder bag to Mr. Giustra to give to his girlfriend. Instead, the former president gave the bag to the girlfriend in person on a separate visit when Mr. Giustra was still in Peru.

Mr. Clinton was quoted as saying, "'The only bad thing about Hillary's being secretary of state…is I can't always get hold of her.'" In fact, he actually said "'the only bad thing about Hillary's being secretary of state is you never really know when she is going to return

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